

THE EFFECTS OF POLITICAL POLARIZATION ON AMERICAN FOREIGN POLICY

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Abstract:

Since 1994, partisanship has increasingly dominated American politics. This has affected the ways that opposition parties and the Presidency have interacted in the development of foreign policy. This thesis argues that polarization means that key foreign policy legislation has increasingly been passed along partisan lines and that this has constrained the future use of treaties, legislative-executive agreements, and the President's unilateral means to achieve détente. The thesis concludes that in the long term, this means that American foreign policy will be predisposed to unilateralism and that Presidential transitions of power will likely bring a greater shift in foreign policy priorities.

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Introduction:

The American Presidency's power derives from the from the high profile of the office and the impression that the president is the single most important person in enacting policy.¹ As a result, presidents are rewarded for enacting new policies and thus come into office with a wide range of domestic and foreign policy initiatives.²

Because presidents consciously seek legitimation through foreign policy, the president's domestic rivals have an interest in preventing an easy foreign policy win.³ This has not always been the case. In the past relations between the two parties were much more stable, with the Democratic Party holding a large majority in both houses of Congress. The Democratic majority meant that the Republican Party could not muster enough votes to foil any Democratic legislation and as a result, Republican leaders were convinced they could achieve greater policy victories through acting in a conciliatory manner rather than open conflict.⁴

However, with the 1994 Congressional election, the Republican Party was able to take control over the House. And since then, majorities between the parties have been extremely slim.⁵ With both parties in a dead heat for control of Congress, both parties have had a strong incentive to embark on a combative style of politics to rile up the voter base. As a result, bipartisanship has increasingly become a politically unfeasible as working with the rival majority party increases

¹ Neustadt 1990, 73-77

² Neustadt 1990, Chapter 2, 68-70.

³ Lee 2016, 62-64

⁴ Lee 2016, 76-81

⁵ Lee 2016, 26-27

the majority party's mandate to govern.⁶ This means that under the current party system, both parties seek to prevent the other from winning a policy argument without significant costs.

In great deal because of increased party competition, geographic, ideological and demographic sorting between the two parties has become more intense. Geographically, party support has increasingly important for the Republican Party in the South and Midwest while the Democratic Party has created a strong base of support amongst the coasts and the cities. Since neither of these geographic areas can deliver a majority, both parties have intensified their competition amongst swing areas – especially in the suburbs.⁷

For the Republican Party, geographic entrenchment has been accompanied by a media one. Since the Republican Party's support base has remained relatively homogenous, voter support has increasingly been buttressed by the formation of conservative media outlets.⁸ On the other hand, the Democratic Party has struggled relative to this, as their governing coalition has remained relatively more diverse. This has meant two things – that Democratic Party has had to recraft its policy to appeal to a demographically wide base and that it has not been able to utilize such a strong system of alternative media.⁹

As a result, of parties appealing to separate demographics and engaging with separate media, political divides in America have become tied into greater cultural conflict.¹⁰ This greatly widens the amount of issues and events that either side can conceive of as political and ensures that

⁶ Lee 2016, 42-52

⁷ Black and Black 2007

⁸ Grossman 2016, Chapter 3

⁹ Grossman 2016, 93-102

¹⁰ Klein 2020 and Shafer 2016, 146

voters are more likely to discipline elected politicians perceived as being too conciliatory or collegial with their cross party opponents.¹¹

Such a dynamic has meant that both parties have formed distinct sociopolitical paradigms and that party affiliation has become the key determinant on a politician's voting record.¹² This is strongly contrasted with the previous era of Congress where both parties were ideologically diverse and cross party voting amongst both Congressional and Senate members was relatively common.¹³

For the Republican Party, this has meant that more of their elected officials have taken a more unilateral approach towards foreign relations and an increased emphasis on military strength. This contrasts with Democratic politicians who, while remaining relatively more ideologically diverse than the Republican Party, have tended to push for multilateralism as a key tenet of foreign policy.¹⁴ Such a fundamental difference in paradigms ensures that even in foreign policy areas of great interest, the solutions proposed between the two have diverged. This increases the likelihood of partisan discord whenever a foreign policy solution is proposed and provides an opportunity for the opposition party to demonstrate its disagreement with the President.

This thesis examines how a President has numerous institutional advantages in executing foreign policy vis a vis Congress. The President has several advantages in foreign policy. As the head of all federal agencies, the President can direct federal agencies immediately with executive orders and often has access to information prior to Congress.¹⁵ And given an aggressive enough

¹¹ Klein 2020

¹² Lee 2016 and Shafer 2016, 121-144

¹³ Lee 2016, Chapter 6 and Shafer 2016, 133,150

¹⁴ Kupchan and Trubowitz 2007, 24-26 and Dueck 2010

¹⁵ Bolton and Thrower 2016, 661

President, this can be used to overwhelm Congressional capacity to monitor such international events. Nevertheless, this is not unlimited. The Senate is still needed for the treaty mechanism to be used and while the executive branch can use executive orders, Congress has the ability to craft laws that constrains the executive's ability to act.¹⁶ Thus, for a President to execute a successful foreign policy, a degree of cooperation with Congress is necessary.

Nonetheless, polarization has greatly increased the political costs for the opposition party to work with the President. Thus, unless the President has a congressional supermajority, the opposition party will have a strong incentive and the means to push against foreign policy achievements that could be perceived as legitimizing the Presidency. This means that American Presidents will have to rely on unilateral methods to execute foreign policy and that formerly bipartisan ratified treaties may be revisited. This has and undoubtedly will change the ability of an American President to conduct diplomacy, especially in matters of détente. Overall, this means that American policy may be more prone to fluctuation with the transfer of power between party lines and increased pressure and often reversals on previously bipartisan foreign policy issues.

This dynamic will be explored through a series of papers. Chapter one outlines whether a President chooses to conduct their administration's top foreign policy priorities through unilateral mechanisms due to political polarization by conducting a comparative analysis of the passage of the North American Free Trade Agreement (NAFTA) and the Joint Comprehensive Plan of Action (JCPOA). In both cases, a Democratic President was able to achieve significant foreign policy achievement despite domestic political opposition. Nevertheless, the greater

¹⁶ Epstein and O'Halloran 1999, 14-47 and Prins and Marshall 2009, 191

polarization of the American public during the years following the passage of NAFTA ensured that the disagreement over the JCPOA was largely found amongst party lines whereas NAFTA found strong support in the Republican Party (the then opposition party). This meant that NAFTA was overall perceived positively between both parties whereas the JCPOA lacked legitimacy amongst Republican legislators and faced multiple attempts at annulment prior to a later Republican administration terminating the United States participation. Such findings demonstrate the legitimizing role bipartisan agreement plays on foreign policy and simultaneously shows that such consensus has been more difficult to achieve under political polarization.

Chapter two examines how political polarization has shaped the views of treaties ratified under bipartisan consensus over time by analyzing Republican legislators views of the New Strategic Arms Reduction Treaty (New START). President Barack Obama (D; 2008-2016) and his administration emphasized improved Russo-American relations and greater counter-proliferation efforts as a key priority for the administration. And despite increasing Republican opposition to the Obama administration's policies, the treaty mustered 13 Republican votes on the Senate floor. Almost a decade later, Obama's Republican successor sought to allow the treaty to expire which garnered little Republican opposition. This brings up the question on what caused such a change in opinion. Key findings in the paper demonstrate substantive shifts in Republican foreign policy and greater willingness to jettison previously established legislature as major reasons why the New Start treaty has lost standing with many acting Republican legislators. Such papers bring up the issue of shifting policy preferences as a result of polarization in American foreign policy and a possible revisiting of previously bipartisan treaties.

The third chapter will examine the historical effects of political polarization on the President's ability to negotiate by examining the Clinton (D; 1993-2001) administration's pursuit of denuclearization in North Korea. In this case study, the Clinton administration pursued a bipartisan goal of containing the nuclear ambitions of the DPRK but faced domestic political scrutiny from the Republican controlled House of Representatives. Findings of the paper demonstrate the Clinton White House's relationship with the House of Representatives as a key reason why the Agreed Framework, a Clinton administration negotiated executive agreement between North Korea, failed. Such paper points the likelihood of continued negative relationships with North Korea specifically and more broadly, to the great difficulty a future American President will face while seeking détente.

The thesis concludes with a review on lessons learned from each of the case studies. The conclusion notes that bilateral and multilateral engagement have been more difficult to execute under polarization whereas polarization has left American unilateral methods of diplomacy relatively unscathed. Furthermore, polarization has meant that new Presidents are more likely to come into office with sharply different policy preferences from another party, further decreasing the likelihood of bipartisan cooperation. Finally, partisan polarization has meant that Presidential initiatives at tension reduction have created pressure for most forms of diplomacy to become grand bargains – that being opposition criticism has created significant pressure for the Presidency to achieve a solution that would solve all outstanding issues. At the end of the conclusion, three possible solutions – the changing of presidential rhetoric, reapportionment of committee seats, and the possible return towards a single party dominated system will be assessed, with both the rewards and consequences of each proposed solution being examined in relation to the others.

In conclusion, these three chapters will increase our understanding of the intersections of American domestic and foreign politics by examining how the methods of American foreign policy are impacted by polarization, how partisanship affects the domestic legitimacy of treaties, and how polarization effects the President's ability to negotiate and maintain unconventional diplomacy. Overall, such information will show that American domestic politics plays a formidable role in the country's foreign relations and that a bifurcated American policy is more likely than ever before.

Political Polarization and Executive Unilateralism:

Introduction:

Today American politics is greatly defined by political polarization. Legislation is often passed along party lines and routine legislation from national budgets to international treaties have often been subsumed into a greater conflict of approval or disapproval over the President's standing. It is unsurprising then that such political polarization plays an increasingly large role over the ways a President enacts high profile policy.

While some areas of American foreign policy may muster a small bipartisan consensus, the opposition party is most likely to view new foreign policy initiatives as legitimizing the Presidency and therefore are more likely to seek to prevent them from being enacted. As a result, a President's ability to conduct foreign affairs through executive legislative agreement will be constrained.

This has massive implications for American foreign policy. Legislative-executive agreements solely passed along party lines may be viewed as illegitimate amongst domestic opposition. This increases the chance of a bifurcated American foreign policy – wherein states are less likely to risk negotiating with a President whose policies may be abandoned in the next administration. Conversely, other states may take notice of U.S. domestic discord and may seek to hedge against a possible U.S. disengagement or may actively seek to bolster U.S. parties whose political views may closely align with its views.

This can be seen through a comparative analysis of the passage of the North American Free Trade Agreement (NAFTA) and the Joint Comprehensive Plan of Action (JCPOA) which remain two of the most notable executive-legislative agreements involving foreign affairs. While the subject matter of such agreements may seem far apart, the nature of the political debate over

such agreements has greatly changed between the passage of such treaties. While NAFTA was confirmed in a bipartisan fashion, political suspicion towards the agreement was mainly focused amongst the Democratic Party. This stands in great contrast to the passage of the JCPOA which although had Democratic detractors, was able to come into effect through unified Democratic support. Given such trends, it is likely that future high profile foreign policy legislative executive agreements will be confirmed primarily through party lines.

To examine the validity of this thesis, the relevant literature is reviewed showing that polarization is a long-term trend in American politics due to the distinct nature of each party's voter base and the roughly equal electoral strength of the parties. In addition, further research will review the mechanisms behind foreign policy revealing that there is no permanent separation of powers and that the limits of the executive and legislative branch are renegotiated depending on the strength of either side. This turns foreign policy into a political consideration as each party will adjust its foreign policy based on their strength in Congress or the Presidency.

Context on the passage of both NAFTA and the JCPOA will then be reviewed, with the nature of the domestic opposition to both treaties being explained. Domestic opposition will be compared between both legislative agreements and successive Congresses in general. Finally, implications of increased foreign policy polarization will be reviewed.

Political Polarization:

American politics is dominated by competition between the Democratic and Republican parties, who despite having conducted multi-billion dollar campaigns have been unable to decisively swing the electorate in either direction. It is little surprise then that literature focused

on the party system in American politics focuses on the demographic and social roots of partisan identification and the extreme structural differences between the two parties.

Literature focused on the geographic polarization on either party notes that the support base for the Democratic Party resides in the Pacific Coast and the Northeast.¹⁷ Likewise the Republican Party trends strongly in the South and the Mountains/Plains region of the United States.¹⁸ The remaining regions of the United States – mainly the Midwest has become the key to national dominance due to the even distribution of supporters of either side of the aisle.¹⁹ Key to this region then, is the suburban white vote – a group which accounts for the majority of white votes in the region and that neither party has gained a consistent majority of.²⁰ The increasing clustering of party support has led many to argue that this has polarized the United States.²¹ However, while geographic patterns have shown a distinctive effect on polarization, it is not the sole explanation.²²

Geographic patterns are not the only differences between either party's support base. In fact, the internal coalitions making up either party are so different that the parties scarcely resemble each other internally. For the Republican Party, the voter coalition party is relatively straightforward – being comprised of a coherent ideologically conservative movement that has gradually moved towards the right.²³ Thus, Republican Party voters tend to see their party in ideological terms – viewing their affinity to the party as being motivated by the Party's adherence to their

¹⁷ Black and Black 2007, 1

¹⁸ Black and Black 2007, 1

¹⁹ Black and Black 2007, 125-127

²⁰ Black and Black 2007, 135

²¹ Sussell and Thomson 2015, 1

²² Sussell and Thomson 2015, 25-26

²³ Grossman and Hopkins, 2016, 15

conservative ideals.²⁴ However this ideological adherence is not necessarily reflected in the demographics of the Democratic Party. Instead, partisan identification of Democratic voters is motivated primarily by the Democratic party's alignment towards the voter's demographics.²⁵ This is likewise reflected in the ideological alignment of the Democratic Party – only shifting slightly towards the left since the 1970s.²⁶ Fundamentally differing visions of politics have meant that the Republican party's appeal to less ideological voters have been stunted while the Democratic politicking is frustrated by a lack of a common political creed.²⁷

Despite the insular nature of each party's political base, both parties remain electorally competitive vis a vis the other.²⁸ And it is because of each party's equally matched status that has furthered American political divisions. Previously, the Republican party remained a solid minority party throughout the legislature.²⁹ However the accession of Reagan to the White House in 1980 marked the first time a conservative Republican won the White House.³⁰ Emboldened by this the Republican Party was finally able to win a narrow legislative majority in 1994, marking an era of inter-party competition.³¹ This has transformed legislative politics. Previously, a stable electoral majority meant that legislation was determined on the basis of its effects on the legislators individual electoral benefit.³² However, with the greater legislative majority on the line, Congressmen are more likely to view elections through partisan conflict.³³ Because of this paradigmatic shift, Congressmen and women are additionally incentivized to seek discernment

²⁴ Grossman and Hopkins 2016, 11

²⁵ Grossman and Hopkins 2016, 37

²⁶ Grossman and Hopkins 2016, 11

²⁷ Grossman and Hopkins 2016, 319-324

²⁸ Lee 2016, 1

²⁹ Lee 2016, 18

³⁰ Lee 2016, 39

³¹ Lee 2016, 37

³² Lee 2016, 41

³³ Lee 2016, 41

on issues to give a reason to their constituency on why they should vote for themselves over their party rivals.³⁴ As a result, bipartisanship on a broad range of issues is now considered a vice, not a virtue.³⁵

This has far reaching effects on Congressional power. Since polarization has shown to have a strongly negative effect on the ability of Congress to exert its ability to legislate.³⁶ Even in cases of unified government, polarization still tends to leading to legislative gridlock.³⁷ Although legislative gridlock has been shown to decrease in cases of veto-proof majorities, this does little to change the status quo since current legislative polarization primarily derives from the current system of slim majorities.³⁸

As a result of greater political competition, foreign policy will likely become another avenue for political competition. While domestic politics ostensibly remains separate from foreign affairs, the possibility of economic gains and losses act as a powerful motivator for legislators to intervene in the formulation of foreign policy.³⁹ The nature of political parties themselves also shows that changing the ideological background or disposition of foreign policy views also change relative to their political position.⁴⁰ Control of the White House especially acts as a powerful catalyst for political parties, with stronger advocacy for interventionism and international engagement strengthening in times when Presidency is under friendly control and waning under the opposite.⁴¹

³⁴ Lee 2016, 50-51

³⁵ Lee 2016, 53

³⁶ Jones 2001, 130

³⁷ Jones 2001, 137

³⁸ Jones 2001, 137

³⁹ Milner and Tingley 2015, 16

⁴⁰ Lewis 2016, 35

⁴¹ Lewis 2016, 56

Additionally, despite the American public's suspicious view of an overly powerful executive, views on specific examples of executive overreach in domestic and foreign affairs have been primarily been viewed through a partisan heuristic.⁴² This has effectively meant that the traditional political debate on the separation of powers have become subsumed into issues of partisan conflict.⁴³ These preexisting biases are likely to continue effect American political activity as voters have increasingly sorted themselves into social groupings aligned with their preexisting political views.⁴⁴ This has meant that voter exposure to foreign policy has increasingly become aligned with party behavior.⁴⁵

Thus, increased partisanship may mean that a President may not only lack a *carte blanche* but may face strong legislative scrutiny while pursuing administration goals. Already, President's have shown a propensity to pursue executive agreements in times when doing so advances the foreign priorities of their presidency.⁴⁶ Such efforts are unlikely to go unnoticed by Congress which may seek to strip the balance away from the Presidency or display a degree of autonomy from executive pressure. Taking into account the recent trends moving away from a prolonged or major Congressional majority, this means that such grandstanding efforts may sap the Presidency the political inertia necessary to pursue its unilateral objectives. Thus, the President may take a cautious view on pursuing foreign policy. However the President still has ample strength to respond to cases of divided government or a cautious legislature through the significant powers granted in the executive branch.

⁴² Christenson and Kilner 2017, 347

⁴³ Christenson and Kilner 2017, 335

⁴⁴ Messing and Westwood 2012, 1056 and Kertzer, Zeitoff 2017

⁴⁵ Kertzer, Zeitoff 2017, 335

⁴⁶ Caruson and Farrar-Meyers 2007, 643

Executive Branch:

Literature pertaining to the executive branch is primarily divided between the paradigm of the personalized Presidency and of the institutional power of the President.⁴⁷ The personalized view of the Presidency was primarily advanced by Richard Neustadt, arguing that the Presidency's power derives from the prestige of the office and the President's ability to convince the separate branches of government to legislate or act on behalf of the administration.⁴⁸ Two major assumptions that the personalized Presidency advances is the view that each Presidency will undertake certain administration goals to advance their prestige – and thus their power.⁴⁹ Additionally, the view of the personalized Presidency assumes that the President's ability to pressure the differing branches of government resides in the Presidency's appeal to the American public.⁵⁰ Certainly, many of the tenets of the personalized Presidency have been proven consistent in further research. For example, the President's ability to appeal to the public, an ability granted through the prestige of the office, has been shown to be effective in spurring Congress to legislate on issues at hand.⁵¹ However such views do not fully explain the role of executive orders in pressuring Congress to legislate the President's agenda.⁵² Additionally, the idea of public prestige of the Presidency is extremely consequential in the era of partisan polarization. If mobilizing competition against the rival party is the norm, then it implies that a large segment of the United States population will not respond well to the President's unilateral ability to act.

⁴⁷ Howell 2003, 175

⁴⁸ Neustadt 1990, 4

⁴⁹ Neustadt 1990, 68

⁵⁰ Neustadt 1990, 70

⁵¹ Belco and Rottinghaus 2017, 15

⁵² Belco and Rottinghaus 2017, 20

Like Neustadt's observations on the Presidency, the institutional view of the Presidency agrees that each President approaches the office with concrete goals and policy preferences. However, the institutional view of the Presidency sees the power of the branch as not only deriving from the President's ability to negotiate administration goals with the legislative and judicial branches but through the President's ability to unilaterally act.⁵³ These unilateral abilities granted to the President have allowed the Presidency to execute policy, forcing courts or Congress to create legal justification *ex post facto*.⁵⁴ Primarily, the Presidency's unilateral actions have been seen through multiple policy instruments – executive orders, national security directives, and executive agreements.⁵⁵ These policy instruments tip the balance further to the executive branch, especially when considering the veto authority the President is granted – opening up another means of pressuring a dissident legislature.⁵⁶

These powers combined have important implications for legislative-executive relations. First, with much of the state bureaucracy directly under the purview of the executive branch, the President make certain outcomes more likely.⁵⁷ Additionally, the ability to unilaterally act has been enabled the President to further their power as the agenda setter.⁵⁸ By invoking issues crucial towards the Presidency's success, the President is able to induce Congress to focus their attention on issues that they otherwise would ignore.⁵⁹ This tactic is especially powerful in times when foreign policy related issues are perceived to be the most important – with legislation aligned with the President receiving up around 10% more votes in Congress regardless of the

⁵³ Howell 2003, 14

⁵⁴ Howell 2003, 14

⁵⁵ Howell 2006, 16

⁵⁶ Howell 2006, 175

⁵⁷ Mayer 2001, 30

⁵⁸ Mayer 2001, 31

⁵⁹ Belco and Rottinghaus 2014, 422

President's approval ratings.⁶⁰ This well of public approval feeds into the President's ability to act as the agenda setter, with the President often using foreign policy initiatives to advance his stature.⁶¹

The ability of the President to move policy at Congress's expense has numerous implications for foreign policy. One, is the ability of the Presidency to continue his or her policy preferences regardless of the ideological makeup of Congress. One such example of this was the enactment of the Case Act – a Congressional act mandating the notification of the legislative branch in cases of international agreements.⁶² Despite the existence of such legislation, Presidents have shown the ability to finagle the definition of international agreements – arguing that accords or arrangements do not mandate legislative notification.⁶³

Another effect of the President's ability to execute policy unilaterally is the additional ability of the President to stymie legislation hostile to the executive branch by tactically acceding to part of Congress's demands in order to prevent greater legislative reform.⁶⁴ This ability further tips the balance of power in favor of the executive – allowing him or her to prioritize issues brought up by partisans – seen by the President more often approving legislation brought by members of his own party.⁶⁵ This phenomena creates an incentive for legislators sharing the party with the President to cede the power of interpretation to the President due to the shared goals.⁶⁶

⁶⁰ Mack, DeRouen, and Lanoe 2013, 99

⁶¹ Mack, DeRouen, and Lanoe 2013, 99-100

⁶² Howell 2003, 104

⁶³ Howell 2003, 104

⁶⁴ Belco and Rottinghaus 2014, 417

⁶⁵ Belco and Rottinghaus 2014, 421

⁶⁶ Epstein and O'Halloran 1999, 18

Additionally, Congress faces a number of the informational and organizational disadvantages in relation to rolling back cases of executive overreach.⁶⁷ First, Congress faces information asymmetry in the execution of any legislative workings. In many cases, Congress does not maintain the feedback loops to government bureaucracy compared to agency heads or the President. Additionally, Congressional access towards legal and subject matter experts have played a constraining role in Congresses ability to limit executive interpretation.⁶⁸

The Legislative Branch:

Nevertheless, Congress should not be considered impotent when dealing with foreign policy. The disposition of Congress has shown to have a significant effect on the chronological order of how the President pursues his or her agenda.⁶⁹ As a result, the President often avoids pursuing explicit legislation during his or her lame-duck periods or when seeking reelection.⁷⁰ Thus, despite structural and political weaknesses, Congress has been effective in forcing the Presidency's hand in foreign policy. With explicit Constitutional authority vesting the Senate with the power of advice and consent, the Senate is able to approve treaties the President has made. This gives the Senate, and Congress as a whole, the ability to influence a President's foreign policy. Especially in areas where treaty contents are considered politically controversial, the Senate can pressure the Presidency. One method that the Senate can do this is by delaying the ratification of the treaty itself.⁷¹ This ensures that the ratification of the treaty will not receive a vote on the floor until a future Congress decides to either withdraw the treaty from consideration

⁶⁷ Mayer 2001, 11

⁶⁸ Bolton and Thrower 2016, 661

⁶⁹ Mack, DeRouen, and Lanoe 2013, 79

⁷⁰ Mack, DeRouen, and Lanoe 2013, 98-99

⁷¹ Prins and Marshall 2009, 191

or decides to place the treaty to a vote.⁷² Another way the Senate can pressure the President is to add policy stipulations on the treaty ratification documents.⁷³ These stipulations can either limit the scope of the treaty, force the President to reconfirm certain aspects of the treaty, or explicit amendments to the treaty itself.⁷⁴ Regardless, both methods effectively forces the President to change key elements of the treaty.⁷⁵ Surprisingly, this effect seems the greatest in issues regarding national security – with all of George Bush’s treaties seeing significant alteration in the Senate.⁷⁶

The dynamic of Senate purview of Presidentially proposed treaties also has given the Legislative branch the ability to stymie the executive branch – even when Congress is overall polarized.⁷⁷ In the polarized Obama administration, an ideologically hostile Senate has meant that the Obama Presidency has submitted about 4 treaties a year compared with the average of 12 treaties submitted during the Bush era.⁷⁸

Congress’s ability to withhold or delay formal treaty ratification is not the only method of legislative control. Because of Congress’s legislative powers, Congress can determine the extent of the executive branch’s authority to interpret its laws.⁷⁹ Primarily, this can be accomplished by the specificity of the law, leaving little room for a potential bureaucrat to interpret how to enforce what Congress has enacted.⁸⁰ On one hand, delegation has many advantages. By leaving room for interpretation, Congress need not spend time on writing overly specific laws to focus on

⁷² Auerswald and Maltzman 2003, 1099

⁷³ Auerswald and Maltzman 2003, 1099

⁷⁴ Auerswald and Maltzman 2003, 1099

⁷⁵ Prins and Marshall 2009, 204

⁷⁶ Prins and Marshall 2009, 209

⁷⁷ Peake, Krutz, and Hughes 2012, 1313

⁷⁸ Peake, Krutz, and Hughes 2012, 1299

⁷⁹ Epstein and O’Halloran 1999, 18

⁸⁰ Epstein and O’Halloran 1999, 47

electoral activities.⁸¹ Additionally, the complexity of any given situation means that to a certain extent it is advantageous to allow departments with the necessary expertise and knowledge of the situation at hand to freely deal with problems as they see fit.⁸² Congress thus addresses this through a logical calculation of politics – although it is better to delegate interpretation to the executive, it is worse to do delegate to an executive that is ideologically hostile.⁸³ Thus, Congress will tend to restrict the executive’s ability to interpret laws when the two are not ideologically aligned or during periods of divided government.⁸⁴

Furthermore, Congress’s legal authority has meant that unilateral orders promulgated by the executive branch must often share legal precedent.⁸⁵ Thus, executive promulgations must fit inside an overall context that Congress shares a role in creating.⁸⁶ This limitation has often made President’s more cautious when arguing for their ability to act unilaterally – lest a court rules the President’s orders unconstitutional and further constraining the executive.⁸⁷

Congress’ immense power has had a number of effects on the ways President’s pursue powers and thus achieve policy success. First, President’s will tailor their administration priorities based upon the legislation they are faced with in order to maximize their chance for success.⁸⁸ Thus, in times of divided government Presidents are more likely to focus on issues their party is perceived to have an advantage in while seeking to pressure their cross-party rivals on during periods of united government.⁸⁹ Perhaps most relevantly, in times of political polarization, Presidents tend

⁸¹ Epstein and O’Halloran 1999, 27

⁸² Epstein and O’Halloran 1999, 7-27

⁸³ Epstein and O’Halloran 1999, 232

⁸⁴ Epstein and O’Halloran 1999 7 & 233

⁸⁵ Rottinghaus and Meyer 2007, 340

⁸⁶ Rottinghaus and Meyer 2007, 342

⁸⁷ Howell 2003, 177

⁸⁸ Cummins 2010, 402

⁸⁹ Cummins 2010, 402-403

to seek competition with their party rivals by competing on the issues their rivals traditionally uphold.⁹⁰ While this in and of itself does not guarantee a show down over foreign policy, it does raise questions on how Congress or a Presidency would react when a party seeks to improve their standing through a foreign policy break through.

Conclusion:

Political polarization will dramatically shape the way any President will pursue their foreign policy. While President's may be able to influence key members of their political party, the dynamics of political polarization mean that members of the opposite party have a strong incentive to oppose the President's agenda. Furthermore, since this disagreement is motivated on highlighting differences to the voting public, it stands to reason that there is a larger incentive to disagree with the President when the administration has staked its success in a certain policy agenda. This in effect means that Presidents are likely to shield key aspects of their foreign policy from legislative purview whenever possible lest it ends up defeated in the legislature.

Overall, the main result of political polarization throughout the United States will lead to a significant weakening of the credibility of the United States. As research has shown, treaties derive their significance not necessarily through legal ratification, but through signaling the common commitment American political leaders have towards an issue.⁹¹ Thus, foreign policy derived without the any bipartisan or treaty mechanism may imply either a lack of commitment amongst the American political elite or the significant presence of American politicians that do not share the same views. This perceived lack of commitment combined with raucous domestic political debate may encourage foreign allies to hedge their diplomacy with the United States in

⁹⁰ Cummins 2010, 419

⁹¹ Setear 2002, S5

the chance that a different minded Congress or administration is elected. This phenomena will be more likely in situations where the President pursues his foreign policy through executive orders or agreements due to the ease a future administration could negate such an agreement and the lack of bipartisan support executive orders or agreements may have had.

In the long term, debates on executive unilateralism will likely bring up renewed debates on the true bipartisan nature of the United States' foreign policy and the antiquated nature of being pursued. Advocates of executive unilateralism are likely to source Congress' decreased capacity to legislate due to political polarization while cynics of the executive branch are likely to advocate for a bipartisan agreement on American foreign policy or simplified measures to ratify treaties.

NAFTA and the JCPOA:

Since the rise of polarized divided government in 1994, two of the most prominent legislative-executive agreements are NAFTA and the JCPOA. To note, both agreements had large differences. While NAFTA was seen as a key component of the Clinton foreign policy, the treaty primarily addressed economic issues. On the other hand, the JCPOA addressed national security considerations and was a political agreement that received numerous attempts by the legislature to either stifle the agreement or allow the agreement to remain in effect. In addition, NAFTA was a trilateral agreement made between an emerging democracy (Mexico) and a long time US ally (Canada). This stands in contrast to Iran which on top of its authoritarian government has maintained a contentious relationship between the United States. Nevertheless, such differences do not invalidate a comparison between both treaties. First, both agreements represent political agreements made between the legislative and executive branches that greatly defined both Presidencies when enacted. In both agreements, both Presidents Clinton and Obama

had faced large political opposition and played an active role in convincing rivals to allow such agreements to pass through Congress. This effort thus allows us to gauge how polarized the legislature was in regards to the President's foreign policy. Second, the comparison to the JCPOA and NAFTA is adequate due to two reasons – timing and method. First, while other executive legislative agreements or political agreements such as the formation of NATO or the termination of the Barbary Wars may be more similar to the JCPOA due to their national security implications, enactment of such legislation occurred far before the modern era of political polarization, thus making them unsuitable to measure the increased polarization of foreign policy. Since, the era of polarization largely began in 1994 then, only foreign policy executive legislative agreements occurring during the Clinton era onwards could satisfy the issue of timing.⁹² And while the notable example of the Iraq War does also serve as a seminal foreign policy enacted under legislative-executive agreement, support for the war enjoyed bipartisan support and thus was quickly enacted. These qualifications mean that despite the difference of substance between each agreement, a comparison between NAFTA and the JCPOA are more suitable than initially thought.

Thus, this paper begins by examining the nature of the Clinton administration's rise before examining the process of NAFTA's ratification. By examining the passage of NAFTA as a legislative-executive agreement during the beginning of the polarized era , we will see that opposition to NAFTA was primarily issues based. This meant that support and criticism for the treaty was found across party lines.

⁹² Shafer 2016, 125

For the Obama administration, the Joint Comprehensive Plan of Action is examined. This political agreement was made to prevent Iran from gaining the capability to create nuclear weapons. However, despite the signing by President Obama, there was little bipartisan consensus on the deal, with the Republican Party unsuccessfully attempting to scrap the deal. This meant that while the deal came into affect, it was viewed as illegitimate by most Republican elected officials. This meant that relative to NAFTA, the JCPOA had a greater likelihood of being overturned in the following administration.

NAFTA:

Ronald Reagan had shifted political discourse significantly, moving the country away from the previously dominant New Deal Coalition and energizing an ascendant conservative wing of the Republican Party.⁹³ Reagan's 8 years in office and the election of George HW Bush following his term meant that the Clinton had won a national upset against a Republican incumbent. In large part, Clinton's success represented a shift in political messaging away from previous Democratic consensus, arguing for more market friendly forms of economic policy and a reshaping of the American welfare system.⁹⁴ Nevertheless, while Clinton lead the Democratic Party to electoral victory, this did not meant that he enjoyed complete dominance over it. Throughout the Democratic Primary, Clinton faced stiff opposition from more traditional liberals amongst the party and was delivered the Democratic nomination in large part due to his perceived electability vis a vis George HW Bush.⁹⁵ This meant that the Clinton administration faced a dilemma wherein the Clinton's administration's perceived interests were not necessarily

⁹³ Lee 2016, 38-40

⁹⁴ Clinton 1992

⁹⁵ Clinton 1992 and Ifill 1992

aligned with many others in the Democratic Party. One area that this was notable was in the economy.

Throughout the election campaign, President Clinton used the phrase “It’s the economy stupid” – meaning that a President’s support hinged on his ability to deliver economic prosperity to the American people. As part of this economic agenda, the Clinton administration proposed a slew of reforms to the welfare state – ranging from the earned income tax credit (EITC) to other broad federal deregulations. For many on the Democratic Party, aspects of these reforms were controversial as they often belied the assumptions that the Reagan administration belied on the state’s role in the American public. And one area in particular that bothered some on the Democratic Party was Clinton’s proposed trade measures. Throughout the Reagan administration, Republican officials floated the idea of a free trade agreement between Mexico, Canada, and the United States. Doing so would arguably stabilize the Mexican economy and open up a growing market for American manufactured and agricultural goods. Nevertheless, many Democratic Congressman did not buy into this argument. For many Democratic Congressman, signing such an agreement would allow cheaply produced goods to flood the American market and could cause an exodus of skilled labor jobs from leaving the country.⁹⁶ Such line of thinking was especially supported by the American Federation of Labor and Congress of Industrial Organizations (AFL-CIO) a union organization that disproportionately supported the Democratic Party.⁹⁷ This meant that many Democratic Party members that were considered marginal districts were less likely to vote for NAFTA.

⁹⁶ Bello 1994, 428

⁹⁷ Khan 2015, 148

Nevertheless, while the Clinton administration faced skepticism, enthusiasm for a free trade agreement remained generally high amongst the Republican Party. This was due to a number of reasons. First was the history of NAFTA itself. While it was the Clinton administration that had sought to pass the bill through Congress, it was first proposed during the George HW Bush administration who had sought to build off of the Reagan administration's desire for closer economic relations between the two countries.⁹⁸ This greatly complicated the ability of the Republican Party to oppose the deal since George HW Bush had prominently campaigned for NAFTA throughout his reelection campaign.⁹⁹ Besides ideological reasons, the Republican Party had a number of political considerations to consider when weighing in whether to support or oppose the deal. Unlike the Democratic Party, a key constituency of the Republican Party – the business sector had come out in favor of the deal, arguing that NAFTA would open a key market to trade.¹⁰⁰ Especially vocal in their favor were companies with figures such as Lee Iacocca who although had traditionally been supportive of Republican politicians came out in vocal favor of NAFTA's ratification.¹⁰¹

Besides the risk of alienating the traditional Republican support base, Republicans increasingly believed that opposition was a political dead end. In great deal this was because opposition towards the bill came in large part from the Democratic Party with key Democratic figures estimating up to 2/3rds of Democrats voting against the bill. Thus, Republicans would not necessarily need to oppose the Clinton administration for the Clinton administration to suffer a stern rebuke. Furthermore, pockets of opposition to NAFTA were concentrated amongst

⁹⁸ Livingston and Wink 1997, 53-54

⁹⁹ Livingston and Wink 1997, 54

¹⁰⁰ Uslaner 1998, 351

¹⁰¹ Livingston and Wink 1997, 56

constituencies that the Republican Party held little appeal too or were stuck on the fringe – notably amongst the Congressional Black Caucus and Ralph Nader or Pat Buchanan.¹⁰² This meant when NAFTA finally came to a vote, the Republican Party came to view the vote as a non-issue and was willing to lend its support.¹⁰³

As a result, voting rolls for NAFTA were surprisingly unpartisan – NAFTA passed the House of Representatives with 234 votes – eight more votes necessary required to pass the bill into law.¹⁰⁴

Figure 1:

	Democrats	Republicans	Independents
Yes	102	132	0
No	156	42	1
Percentage of Party voting in affirmative	39.5%	75.42%	0%

With a decisive passage in the House, the bill was shortly taken towards a Senate confirmation where it received a vote. Passage was similar, with Republicans more likely to vote for the bill than Democrats.

Figure 2:

	Democrats	Republicans
Yes	27	34
No	28	10
Percentage of Party voting in affirmative	49.09%	77.27%

Additionally, President Clinton was willing to work against the wishes of his own party to pass NAFTA – even telling Republicans in mixed districts that he would personally repudiate

¹⁰² Livingston and Wink 1997, 55

¹⁰³ Livingston and Wink 1997, 54

¹⁰⁴ GovTrack HR 3450

arguments against NAFTA.¹⁰⁵ Finally, the process of Clinton's decision to ratify NAFTA most likely acted as a stopper for the possibility of Republican criticism.

JCPOA:

While the Clinton administration was elected based in many ways off of revisiting Republican rhetoric, the election of President Barack Obama represented a repudiation of the previous Bush administration. In his domestic policy, President Obama argued against the perceived excesses of the Bush administration's deregulation and argued for greater equity inside the country's economy. Likewise, in his foreign policy Obama argued for American engagement in the world and a greater focus towards a multilateral foreign policy.¹⁰⁶ As part of this agenda, Obama argued for a rethinking of the Bush administration's foreign policy that presupposed the use of military force in favor of limited engagement with rival powers.

Obama's Middle Eastern foreign policy was thus challenged with the discovery of Iranian enrichment of uranium. Beginning in 2010, the United States and Israel begin to become suspicious of Iranian facilities enriching uranium – something that could lead to Iran acquiring nuclear weapons and greatly destabilizing the Middle East. The Obama administration viewed such a possibility as unacceptable. The possibility of a pinpoint strike against Iranian nuclear facilities was briefly considered but was quickly ruled out due to the high risks such a strike entailed and the small chance of success it held.¹⁰⁷

With a purely military option seeming unlikely, Congress followed by the Obama administration began a series of sanctions aimed at cutting the Iranian economy off from the rest of the world.¹⁰⁸

¹⁰⁵ Bello 1994, 430

¹⁰⁶ Obama 2009

¹⁰⁷ Hurst 2019, 213-217

¹⁰⁸ Hurst 2019, 213-217

However while the sanctions campaign placed a high cost on the Iranian economy, it was unable to directly stop the nuclear crisis from continuing. Thus, the Obama administration began a series of negotiations with the Iranian government.

After multiple years of negotiations, the Obama administration was successful in striking a political agreement with Iran, the JCPOA. In this deal, the United States would release funds frozen inside the United States back to Iranian banks. In return, Iran conceded to a number of inspections by the IAEA.¹⁰⁹

While the JCPOA was signed by the United States and Iran as a political agreement, the scope of the agreement meant that many viewed the stipulations of the agreement should fall under a treaty.¹¹⁰ In response, Senator Bob Corker introduced legislation, the Iran Nuclear Deal Review Act, that would allow Congress to certify, decertify the agreement, or choose to do nothing (which would allow the Obama administration to proceed with implementing the JCPOA).¹¹¹ However, while Congress overwhelmingly approved of placing Congressional approval of the deal, support for the deal was split amongst Party lines. For while some Democrats remained demure on their support of the agreement, the most vociferous opposition came from the rival Republican Party who argued that the agreement was an example of political weakness of the Obama administration.¹¹²

Republican opponents of JCPOA had numerous ideological reasons to oppose the bill. The outgoing George Bush administration labelled the regime as part of an Axis of Evil and sought to isolate the country from the rest of the world. Furthermore, Republican lawmakers argued that

¹⁰⁹ Hurst 2019, 190-197

¹¹⁰ Rivkin and Casey 2015

¹¹¹ Bernstein 2018, 226-227

¹¹² Shank 2015, 6

due to Iran's previous support for terrorist groups and its anti-American policies, allowing the Iranian government access to international credit would embolden the regime.¹¹³ Iran's hostile rhetoric towards Israel also acted as a lightning rod for Republican support due to Israeli support being a core value of the current Republican Party.¹¹⁴

Besides an ideological suspicion against Iranian efforts, Republican suspicion of the Obama administration's outreach towards Iran also had a strong political dimension. Throughout the Obama administration, Republican politicians had implicitly argued against that the administration was overly friendly to Islamic nations and was weak-willed on national security threats.¹¹⁵ This meant that regardless of the JCPOA's merits, Republican support for the deal began as a non-starter.

The first attempts at preventing the JCPOA from coming into affect was a strong Republican campaign to use the Iran Nuclear Deal Review Act to decertify the agreement. Although doing so would take a Congressional supermajority to overturn the agreement, such efforts nonetheless began in the earnest by Republican Senator Tom Cotton who sent an open letter to the Iranian government noting that the agreement was not supported by the Republican Party with 49 Republican Senators cosigning the Statement.¹¹⁶

The ensuing vote came into Congress in the summer of 2015. Leading up to the vote, the Obama administration took an unprecedented effort to sell the merits of the deal – going as far as to campaign and to seek endorsements from former national security officials. Nevertheless, such efforts were unable to swing any Congressional Republicans and the House of Representatives,

¹¹³ Heilbrunn 2015, 5

¹¹⁴ Eran and Alterman 2015, 2

¹¹⁵ Eran and Alterman 2015, 2

¹¹⁶ Daugirdas and Mortenson 2015, 409

where the Republican Party was the majority decided to vote in three phases. The first vote, appropriately titled the “H.Res.411 - Finding that the President has not complied with section 2 of the Iran Nuclear Agreement Review Act of 2015” sought to decertify whether the President had correctly transmitted information on the nuclear inspection to Congress.¹¹⁷ The votes came down into a party vote with all Republicans voting for the bill and nearly all Democrats voting against the resolution.¹¹⁸

Figure 3:

Party	Democratic	Republican
Yes	0	245
No	186	0
Abstain	2	0
Percentage of Party with caucus	98.94%	100%

Simultaneous to the passage of the Resolution, Republican House members then sought to prevent funds that the sanctions had released from being reclaimed by Iranian institutions through another vote.¹¹⁹

Figure 4:

Party	Democratic	Republican
Yes	2	245
No	186	0
Abstain	0	0
Percentage of Party voting in the affirmative	1.06%	100%

Finally, the House Republicans introduced resolution to nullify the deal altogether. This attempt was slightly more successful – gaining 25 House Democrats voting in the affirmative.¹²⁰

¹¹⁷ H.Res. 411

¹¹⁸ H. Res. 411, Voting Roll

¹¹⁹ H. Res. 3460

¹²⁰ H. Res. 3461, Roll Call 493

Figure 5:

Party	Democratic	Republican
Yes	25	244
No	162	0
Abstain	0	1
Percentage of Party with caucus	86.63%	99.6%

These votes, while a stern rebuke from House Republicans, were not sufficient to end the JCPOA. Thus, Senate Republicans, the minority party, introduced legislation that would voice Senate disapproval of the JCPOA.¹²¹ In response, the Democratic majority launched a filibuster of the legislation. This led to a purely party line vote with a majority too small to overturn the deal.¹²²

Figure 6:

Party	Democratic	Republican
Yes	1	52
No	45	0
Abstain	0	2
Percentage of Party voting in the affirmative	97.8%	96.22%

As a result of the Democratic filibuster, the Republican Party moved to vote on cloture for the filibuster.¹²³ And while this vote received relatively more Democratic votes than the previous, Democrats overwhelmingly voted against ending the filibuster and the overall vote fell well short of the needed 2/3rds for success.

¹²¹ Senate Amendment. 2656 to Senate Amendment. 2640

¹²² Orded 2015

¹²³ Senate Amendment. 2640 to H.J.Res. 61

Figure 7:

Party	Democratic	Republican
Yes	4	0
No	42	42
Percentage of Party voting in the affirmative	91.3%	100%

This meant that despite vociferous Republican denouncements, the JCPOA would remain into effect – something that would irk Republicans moving into the next election.¹²⁴

Conclusion:

A look comparative review of the passage of NAFTA and the JCPOA shows the increased partisanship amongst foreign policy. While NAFTA was able to quickly gain Republican support, the JCPOA was consistently viewed as contentious. This is for many reasons. First, NAFTA already had strong Republican support prior to the Clinton administration's decision to proceed with NAFTA's confirmation. Thus, the Clinton administration spent as much time convincing other Democrats as it did with convincing Republicans to support the bill.¹²⁵ Clinton's support for NAFTA also belies another fact – that a President's political party did not have as great effect on his foreign policy positions than it would later hold. On the converse, the Obama administration in many ways repudiated key aspects of the Bush administration's involvement in the Middle East, conducting limited outreach to Iran – something that would not have likely happened during the previous administration.

While President Obama likely sought bipartisan support, he was unable to bring bipartisan support for JCPOA. In Obama's case, previous Republican attacks had honed in on perceived

¹²⁴ Orded 2015

¹²⁵ Kahane 1996

weakness towards Islamic extremism and argued that negotiations with the Iranian government would embolden the Iranian military.¹²⁶ Due to JCPOA fitting well with the Republican narrative against the Obama administration, the agreement was publicly panned by multiple Republican Senators and was often mentioned in repudiating the policies of the Obama administration.¹²⁷ This resulted in the JCPOA being signed as a political agreement between the two governments.

Overall, the results of political polarization on the President's ability to conduct foreign affairs are undeniable. In the past, the President had little to gain from possibly alienating Congress by unilaterally executing foreign affairs, however in modern days this seems the case – especially in times of divided government. Thus, as political polarization increases, we are likely to see high-profile foreign affairs become held together by unilateral executive orders. This in turn brings up a large question to consider – if the United States is unable to create domestic agreement on its foreign affairs, how can other country's trust its agreements with the United States?

¹²⁶ Rubin 2016

¹²⁷ Viaud 2016, 6

The New START Treaty – Changing Views Over Time

The Obama administration came into power explicitly calling for a reset in relations with Russia and a greater focus on counter-proliferation as a key administration goal. Such priorities led to an eventual ratification of the New Strategic Arms Reduction Treaty (START) in 2010 between the United States and Russia which significantly reduced the number of nuclear weapons and delivery systems held by both countries.

Surprisingly, the Obama administration was able to win bipartisan support for the ratification of the treaty, with 13 Republican Senators voting with the Democratic majority. Yet, bipartisan support for the treaty has eroded over time. The Trump administration sought to allow the treaty to expire with significant Republican support for that position.

This chapter examines the conditions that allowed the New START treaty to be ratified, despite increased political polarization, and examine the change of sentiments amongst the Republican Party. The key to this shift has been a changing Republican Party whose growing ideological preference for unilateralism is consistent with decreased support for treaties that could restrict United States military capabilities. In addition, increasingly Republicans have as a message theme to combat perceived Democratic weakness..

This has key effects on the future of treaty ratification in the United States. Specifically, it means that the scope of issues that can be ratified through an official treaty will significantly decrease and that Presidents will have to possibly rely upon less powerful legal mechanisms.

Denuclearization Prior to the Obama Administration

Since the creation of nuclear weapons, American presidents have all pursued counter-proliferation to various degrees of success and importance. Modern counterproliferation efforts

first emerged under then-President Truman whose proposed Baruch Plan which would solidify the control of nuclear technology development and ore extraction under a proposed International Atomic Development Authority. The IADA would then be charged with allowing the peaceful spread of nuclear technology while mandating the production of atomic weapons and eventual denuclearization of all states.¹²⁸ While the plan was never ratified under Soviet objections, the basic principles set in the Baruch Plan would guide further American efforts at counter-proliferation.¹²⁹

The next major step towards counterproliferation efforts would occur in the Eisenhower administration. Understanding that outright denuclearization was likely to be unsuccessful, the Eisenhower administration sought nuclear reduction by accounting for fissile material and encouraging the use peaceful development of nuclear technology. Through the development of nuclear technology, the amount of fissile material eligible for nuclear weapons production would be concurrently reduced.¹³⁰

While the Eisenhower administration's Atoms for Peace efforts brought greater prominence to American efforts at counterproliferation, it was Eisenhower's predecessors that would formulate the Nonproliferation Treaty (NPT) – arguably the most thorough of all proliferation treaties. In this treaty, all nuclear armed nations would pledge to prevent the transfer of nuclear weapons or technology that could lead to their creation while non-nuclear countries pledged to abstain from developing their own arsenals.¹³¹ Perhaps surprisingly, the NPT was introduced to the United Nations simultaneously by the United States and Soviet who both had concluded extensive

¹²⁸ Baruch, Bernard 1946

¹²⁹ Qazi 2010, 39

¹³⁰ Soapes 1980, 60-66

¹³¹ Articles I, II, Nonproliferation Treaty

negotiations prior to the introduction and believed that joint ratification would preserve both countries influence and organize geopolitical competition within the ongoing Cold War.¹³²

Perhaps as surprising as the collaboration between the two superpowers was the lack of domestic controversy the treaty brought. Within Senate hearings, contemporary sources noted a lack of any objections – a point brought home by the then campaigning Nixon whose seeming objections were based off the timing of when the deal was signed, rather than the substance of the deal itself.¹³³ And while conservative firebrand and future presidential candidate Senator Goldwater argued against the treaty, such criticisms held little regard with other Republican leaders.¹³⁴ The treaty thus was signed into law by the newly elected President Nixon who firmly believed in the psychological impact that the NPT gave and noted that counterproliferation efforts would not adversely impact US security interests.¹³⁵

Despite the signing of the NPT, significant security concerns remained over proliferation. While the NPT addressed President's concerns over other countries nuclearization, the NPT did not significantly address the growing armaments between the two major superpowers – the United States and the Soviet Union. Furthermore, while the Nixon administration sought limited détente with the Soviet Union, the danger of nuclear war remained. Thus, the Nixon administration sought to negotiate a bilateral agreement between both states which would put a limit to the growing arms race. This led to the beginning of the first Strategic Arms Limitation Treaty (SALT). In this agreement, both nations proposed concrete limitations on the number of submarine launched ballistic missiles (SLBMs) and a freeze on the creation of more silos. To

¹³² Eskelinen, 1989

¹³³ Congressional Digest 1969

¹³⁴ Goldwater 1969 and

¹³⁵ Cameron and Rabowitz 2016

note, the first SALT agreement left large parts of both countries arsenals outside of its purview. For example, such negotiations did not stop the proliferation of multiple warhead ballistic missiles. Nevertheless, the treaty remained groundbreaking in a strong sense – with the signing of the SALT, an American President concretely established the tying of counterproliferation as a condition necessary for greater détente.

Despite a growing conservative base, the toll of Watergate propelled Democrat Jimmy Carter to the presidency – and with it brought a more liberal approach to American foreign policy and denuclearization. Carter, who sought greater alignment with America's professed beliefs and its foreign policy prioritized human rights and a greater emphasis on nuclear weapons control.¹³⁶ In this, Carter began to negotiate the Strategic Arms Limitation Treaty (SALT) which would significantly reduce ICBM and warhead stockpiles between the Soviet Union and the United States.¹³⁷ Carter begun his denuclearization efforts by looking at the Vladivostok Agreement – signed by Ford. Although not an official treaty, the Ford government left a series of four principles (an upper limit on nuclear delivery vehicles and launchers, limit on the number of silos, and an understanding how to quantify long ranged bombers) that remained unsigned and not yet negotiated to a formal agreement.¹³⁸ Thus, the Carter administration forged ahead with these principles to negotiate SALT II.

In 1979, negotiations between the two countries lead to the signing of SALT II by the Soviet Union and the United States.¹³⁹ In the treaties, both countries pledged to limit the size of their ICBM arsenals, refrain from converting or modernizing large parts of their existing arsenals,

¹³⁶ Krukones 1985, 140

¹³⁷ Coffey 1979, 6

¹³⁸ Coffey 1979, 7-8

¹³⁹ NTI 2011

adding limits on payload sizes, banning the construction of new silos, and refraining from developing more advanced nuclear delivery systems.¹⁴⁰ Nevertheless while the treaty addressed one of the most grave sources of tension between the two states, the treaty was not immune to ongoing developments in the Cold War and Congressional ratification was delayed by Jimmy Carter in response to the Soviet invasion of Afghanistan.¹⁴¹

Lacking Congressional approval, the fate of the SALT II treaty looked up in the air – especially given the incoming President Reagan’s stated suspicions.¹⁴² Of particular concern to the Reagan administration was the increasing Soviet buildup of intermediate nuclear range missiles throughout Europe. For Reagan, this buildup would severely degrade the balance of power in Europe and would hand the Soviet Union a decisive advantage in military affairs.¹⁴³ Thus, the Reagan administration pursued a three-pronged initiative. First, was the buildup of American missile defense capabilities – hoping to erode the Soviets perceived missile superiority.¹⁴⁴ Secondly, was a commitment to uphold existing treaties between the two countries, arguing the United States would only withdraw when it became clear the Soviet Union had discarded the treaty itself.¹⁴⁵

The final pillar in the Reagan administration’s Reagan’s cautious support for denuclearization would lead to further negotiations with the Soviet Union. At the Icelandic capital of Reykjavik, an initially unsuccessful summit lead to the greater negotiation which culminated in the Intermediate Nuclear Range Forces Treaty (INF Treaty). Breathtaking in its ambition, the treaty

¹⁴⁰ State Department

¹⁴¹ NTI 2011

¹⁴² State Department

¹⁴³ Burt 1977, 44

¹⁴⁴ Weinberger 1985

¹⁴⁵ State Department

marked the first time the United States and Soviet Union would jointly reduce existing nuclear stockpiles and created enforcement mechanisms to ensure both countries were in compliance.¹⁴⁶

Such measures received overwhelming bipartisan support – following its introduction to Congress, it was ratified with 95 votes for approval.¹⁴⁷

Reagan’s successor George HW Bush saw the last major expansion of counterproliferation.

Although the Reagan administration had signed the INF Treaty, the signing of the treaty alone did not end the concern of nuclear proliferation and both sides sought to further reduce the

possibility of nuclear war.¹⁴⁸ Thus, the Gorbachev and Bush administrations agreed to the

Strategic Arms Reduction Treaty (START) agreement – a treaty that would reduce both nation’s nuclear arsenal by 35% and would remain in effect for 20 years before needing to be

renegotiated.¹⁴⁹ However, while the treaty was ratified by large margins in the Senate, the treaty faced a massive surprise – the Soviet Union collapsed.

Political Polarization

With the collapse of the Soviet Union in 1991, the United States had lost its foremost geopolitical rival. Thus, counterproliferation efforts began to take a declining profile amongst President’s profile. Nevertheless, radical changes were underway in American politics.

Beginning in the 1980s, America’s legislative politics began to undergo a profound change.

Since the election of Franklin Roosevelt, the Democratic Party held a majority in both houses of Congress.¹⁵⁰ However, the balance of power was beginning to shift. The Reagan Presidency had

left a profound mark on the previous Republican Party, shifting the party from a content,

¹⁴⁶ Kimball and Reif 2019

¹⁴⁷ United States Senate, Treaty Document 100-11

¹⁴⁸ START Treaty

¹⁴⁹ START Treaty

¹⁵⁰ Lee 2016, 20-21.

ideologically diverse, minority party to a Party that whose conservative wing was rapidly becoming ascendant.¹⁵¹ Thus, in consecutive elections, the Republican Party began to slowly gain seats amongst the House of Representatives until in 1994 a miracle happened – the Republican Party gained the House and Senate.¹⁵²

With the new majority, the Republican Party intended to change American politics. Led by the newly minted Speaker of the House Newt Gingrich, the new House Majority sought to usher in conservative legislation while playing an offensive form of politics wherein Republican support would be won by seeking conflict with the Democratically held White House.¹⁵³ These political conflicts would then be used to build up support amongst the Republican voter base – which in theory would increase a Republican majority. In many respects, this campaign was broadly successful – as the increase in Republican support meant that majorities held by either Republicans and Democrats henceforth were often slim – and thus could feasibly be overturned in the next election.¹⁵⁴

This new electoral strategy was helped in many ways. First was the increasing sorting of voters between the two parties. For the Republican side, support was overwhelmingly held amongst white voters and an increasingly strong convergence on small government philosophy.¹⁵⁵ For the Democrats on the other hand had to maintain support amongst a more disparate group of ethnicities and other social minorities.¹⁵⁶ This meant that while the Democratic Party in theory could carry a greater share of the vote, this hold on each group was tenuous – as each respective

¹⁵¹ Lee 2016, 38-40.

¹⁵² Lee 2016, 36.

¹⁵³ Lee 2016, 106.

¹⁵⁴ Lee 2016, 26-28.

¹⁵⁵ Grossman and Hopkins 2016, Chapter 2.

¹⁵⁶ Grossman and Hopkins 2016, 37, 39-40.

group's support for the party was conditional. Furthermore, as both groups support solidified, cross ticket splitting decreased – effectively meaning that as each party became more sorted, it commanded greater loyalty amongst American voters.¹⁵⁷

Besides ideological sorting, the new electoral map showed both parties holding roughly equal shares of the geographical regions of the United States.¹⁵⁸ For the Democrats, electoral dominance was achieved by the coastal regions and shares of the Midwest. On the other hand, the political map increasingly showed Republican dominance in the deep South and the Midwest.¹⁵⁹ What was left was a handful of swing states which would hold the key to electoral dominance.¹⁶⁰ As a whole, both ideological and geographical sorting meant that while Democratic and Republican legislative campaigns could rely on solid bases, these were insufficient to achieve an overwhelming political majority.¹⁶¹ Thus, both party had to now ensure greater base turnout while simultaneously winning over a shrinking undecided vote.

This has had a sharp effect in American politics. In the past, both parties remained ideologically diverse and relatively split between groups. Now, as both parties have become ideologically polarized, both parties now share an equal share of the US voting block. And with the cross party splitting growing smaller, this has meant that the path to power for either party now comes from rallying their voter base and using greater turnout to win elections. This has profound effect on US policy making. For one, elected officials are rewarded by seeking conflict and contrast with their opponents. In the past, bipartisanship was seen as a noble ideal and in great effect could bring tangible benefits to both parties. Now, with legislative majorities slim and electoral identity

¹⁵⁷ Smidt 2017, 365

¹⁵⁸ Black and Black 2007, Chapter 1.

¹⁵⁹ Black and Black 2007, Chapter 1.

¹⁶⁰ Clark 2017, Black and Black 2007.

¹⁶¹ Lee 2016, Chapter 1.

based in great part off of contrast with the opposing party, bipartisanship has become a vice – not a virtue.

The electoral competition between both parties now defines legislative-executive relationships. Presidents are often seen as agenda setters for the country's domestic and foreign policy ventures and also act as the head of their respective party. Thus, with conflict being encouraged between parties, this has made cooperation between the opposition party and the President counterproductive. Instead, the opposition party has a strong incentive to oppose Presidential initiatives to both gain support amongst their respective voter base and to provide evidence on the alleged incompetency of the governing party. This is true in both domestic and foreign affairs where domestic legitimation lies within the President's role as the head of the state.

The Obama Administration:

2008 was a historic year in American politics. Leading an ascendant Democratic Party was then Illinois Senator Barack Obama whose promise of change catapulted him to the Presidency and brought with him both the means and ambition to revamp American domestic and foreign policy. While the Obama Presidency remained focused primarily on the ongoing economic crisis, President Obama also carried great interest in counterproliferation – a subject that he had previously engaged in as a Senator.¹⁶² Soon after his inauguration, the Obama administration began discussions with the Russian government on renegotiating the START agreement, set to expire in 2009.¹⁶³ These efforts at renegotiating the START treaty aligned with President Obama's greater agenda – a refocus away from American unilateralism and obsession with short

¹⁶² Obama 2020,

¹⁶³ Obama 2020,

term gains along with a greater concern on the image of the United States amongst the global public.¹⁶⁴

While the Obama election carried with it an overwhelming Democratic majority, the Obama administration also coincided with a period of greater radicalization of the Republican Party. As the Democratic Party lost the House in 2010, the Obama administration's pursuit of arms control with Russia became a target in a greater competition between the Republican Party and the Democratic administration. While the Obama administration was eventually successful in passing the New Start Treaty with 13 Republican votes, such bipartisanship was a far cry from the 95-0 vote the arguably more ambitious INF treaty received.

Almost 10 years later, the fate of the New Start Treaty looks in doubt. The outgoing Trump administration argued against a renewal of the treaty and support for greater arms control agreements amongst from Republican Senators looks slimmer. Yet how did the pursuit of a previously bipartisan issue become so polarizing?

In great part, this is due to the changing nature of the Republican Party. Out of the 13 Senators that have signed the treaty, only one Senator remains in office while the rest have either retired or were primaried out of office.

To demonstrate this, this paper will first review the process of ratification from the Obama administration's initial signing of the treaty to its ratification through the Senate. The paper will demonstrate that a decisive factor in winning Republican votes was through great support amongst moderate Republican figures – former President George HW Bush and then Senator Dick Lugar. The paper will then document internal changes amongst the Republican party,

¹⁶⁴ Obama 2020, 311, 328-330.

leading to the declining influence of such figures and the rise of a more polarized Republican Party in its stead. Finally, the paper will review what the effects of such an ideological party will have on the future of proliferation and foreign policy efforts.

The Beginnings of New Start:

Towards the end of the Bush administration, Russo-American times were the most strained since the Cold War. While the Bush administration had begun its term with the goal of greater cooperation between the two countries, the Russian invasion of Georgia and the Russian government's sclerotic response to the Color Revolutions in the former Soviet republics seriously strained ties between the two countries. With the transition of power between the outgoing Republican Bush administration and the incoming Democratic Obama administration, Obama aimed to achieve a revamping of ties between the two countries – arguing that common ground could be built between both countries.¹⁶⁵ In part, Obama's optimism was based on two things. First, the Russian constitution mandated a term limit of two terms for the country's President. This meant that Vladimir Putin, an aggressively nationalist Russian President would not be in office. Instead, Putin's chosen successor, Dmitri Medvedev, would chart an approach that seemed more urbane and thus more amenable to compromise.¹⁶⁶ Secondly, was the Obama administration's desire to leverage greater cooperation with Russia to achieve a number of separate geopolitical goals – that being the cooperation on Iran and North Korea's ballistic missile programs, cooperation on the War on Terror, and the greater economic reform.¹⁶⁷ Finally, the Obama administration had explicitly called for greater cooperation on counterproliferation

¹⁶⁵ Obama 2007, 8

¹⁶⁶ Jensen 2012, 21 and Gates 2020, 276

¹⁶⁷ Gates 2020, 276-277

and a long term effort towards complete denuclearization.¹⁶⁸ This goal thus necessitated greater outreach with Russia.

The first negotiations between the two countries began during the April 2009 G-20 Summit wherein both the United States and Russia pledged to further reduce their nuclear arsenal, to negotiate a successor agreement to START, and to work towards global denuclearization.¹⁶⁹ These statements were followed through by both heads of state during the state visit to Russia wherein both nations agreed to a reduction of strategic warheads and their delivery systems.¹⁷⁰ While such agreements were wide ranging, such agreements did not constitute an immediate treaty between either country. and in many ways represented a substantial improvement on counterproliferation as the treaty increased the stringency of nuclear inspections compared to the first START agreement.¹⁷¹ Nevertheless overtures did not immediately reflect a treaty amongst either nations as both countries had outstanding issues preventing the signing of a formal treaty. However, as negotiations continued throughout 2009, substantial improvement was made following a joint statement by both Presidents during the December of the year. This led to the signing of a final treaty during March 26, 2010.¹⁷²

Domestic Reactions:

While previously denuclearization was held as a bipartisan goal the New Start Treaty was initially controversial amongst prominent Republican members. Suspected 2012 Presidential Republican candidate Mitt Romney argued that the contents of the treaty would be tantamount to

¹⁶⁸ Obama 2007, 8-9

¹⁶⁹ Hicks 2018, 94, Zolotukhina 2009, 27.

¹⁷⁰ Zolotukhina 2009, 27.

¹⁷¹ Loy 2011, 26

¹⁷² NTI 2021

placing a veto on US missile deployments to Europe.¹⁷³ While influential Senator John McCain openly stated his suspicions of the treaty due to Russia's previous geopolitical adventurism.¹⁷⁴ This meant that at the time of the treaty's announcement only one Republican Senator, Dick Luger, openly supported the treaty.¹⁷⁵

Despite Republican suspicions of the New Start Treaty, a degree of Republican support was necessary because without 13 Republican votes, the treaty would not be ratified by the Senate. Thus, the Obama administration took on two different approaches. The first, was by highlighting former Republican officials support for the treaty. For example, former Secretary of State Henry Kissinger testified to Congress the year that the bill was introduced to argue that the treaty would enhance stability between the two parties.¹⁷⁶ Kissinger was not the only Secretary of State that testified in support of the treaty. Nearly every former Secretary of State from both Democratic and Republican administrations testified of the importance of the deal – with some like James Baker and Condoleezza Rice, both of which served under Republican administrations, explicitly stated that the treaty was a continuation of previous conservative administrations.¹⁷⁷

The second tool that the Obama administration held was the moderate Republican vote. While the Republican caucus generally was hostile to the treaty, the Republican chairs of the Senate Foreign Relations Committee proved to be more amenable to the treaty. The Republican leader of the Senate Foreign Relations Committee, Richard Lugar argued that the failure to cut down on nuclear arsenals constituted an existential threat to the country and thus needed to be dealt with

¹⁷³ Hicks 2018, 95

¹⁷⁴ Hicks 2018, 95

¹⁷⁵ NTI 2021

¹⁷⁶ NTI 2021

¹⁷⁷ Center for Arms Control and Nonproliferation, 2010

immediately.¹⁷⁸ Thus, Richard Lugar leveraged his position as the most senior Republican Senator on foreign relations and actively sought to increase the likelihood of ratification by integrating over 15 proposals in the Senate's resolution of ratification. This allowed different critiques by Senators to be integrated in the treaty process and avoid the possibility of the treaty being shelved or sent back to the President to be renegotiated.¹⁷⁹ Senator Lugar's negotiations between different Senators was also aided by the White House who sought to address Republican critiques of New START outside of the treaty itself. For example, the Republican opposition argued that the New START agreement would allow Russia to gain nuclear superiority because it would prevent the United States from deploying an adequate amount of nuclear weapons. Thus, the Obama administration explicitly linked the ratification of New START with the modernization of the nuclear force which ameliorated Republican concerns of losing nuclear parity with Russia.¹⁸⁰ These efforts allowed the New START agreement to pass through the Senate Foreign Relations Committee and thus come to a floor vote.¹⁸¹ Once on the Senate floor, the Treaty could be voted amongst all Senate members – a position that favored the Democratic Party as the party would only need 9 Republican defections to gain enough votes for ratification.¹⁸²

Nevertheless, significant Republican disagreement remained over the ratification of the treaty. Senator John McCain argued that the treaty could still allow for Russian cheating on nuclear tests and thus sought to delay a vote until after the midterm elections and after significant

¹⁷⁸ Welna, 2010.

¹⁷⁹ NTI 2021

¹⁸⁰ Congressional Record Vol. 156, No. 172

¹⁸¹ CNN, 2010

¹⁸² CNN 2010 (2)

changes to the treaty which would force a renegotiation with Russia.¹⁸³ However, such efforts did not achieve any results. Out of the three amendments proposed, none of them passed due to Democratic and moderate Republican opposition.¹⁸⁴ With the failure of such amendments, Republican opposition soon began to look less effective as 13 Republican Senators, well over the amount needed for ratification, announced their support for the bill. Thus, the Treaty was ratified on December 22, 2010.¹⁸⁵

New START Over Time:

The end of the Obama administration ended with the transition of power to Donald Trump – a conservative firebrand whose signature line of “America First” called into question previous bipartisan held opinions and instead favored American unilateralism as the measure of the country’s strength. Furthermore, the Trump administration remained ideologically opposed to what it saw as a pernicious liberal influence in Washington and thus sought to dismantle key parts of the Obama administration.¹⁸⁶ As part of this greater suspicion of multilateral treaties came greater suspicion to nuclear arms control. For the Trump administration, security came out from the United States preeminent military strength and the President evinced the countries nuclear and missile arsenal as a key proponent of such.¹⁸⁷ Thus, the Trump administration sought to rapidly modernize the United States nuclear arsenal and significantly increased the budget to do so.¹⁸⁸ It is then unsurprising that the Trump administration was broadly suspicious of the New START agreement - arguing that the treaty had allowed Russia to skirt its moratorium on nuclear developments and that further nonproliferation efforts would need to

¹⁸³ Radia 2010

¹⁸⁴ Baker 2010

¹⁸⁵ Roll Call Vote 111th Congress – 2nd Session and Oliphant and Muskal, 2010

¹⁸⁶ Eilperin and Cameron 2017

¹⁸⁷ BBC 2018, Trump 2019

¹⁸⁸ Mehta 2020

include China as well. As a result, the Trump administration sought to allow the New START Treaty to expire.¹⁸⁹

Overall, Republican reactions to former President Trump's decision to allow the Treaty to expire was broadly positive. Senator Josh Hawley argued that further proliferation efforts with Russia were strategically useless as the United States had already decreased its nuclear arsenal by too much. Other Republican heavyweights argued in a similar fashion. Republican Senators Ted Cruz and Tom Cotton both introduced Senate Resolutions calling for a complete withdrawal of the Open Skies Treaty – a separate treaty with Russia arguing that the latter had failed to live up to its obligations other treaties like the New Start.¹⁹⁰ And while the Biden administration has renewed the New Start Treaty, scant positive support for such extensions have been seen from the Republican Party.

Why is this the case? Partially, this has been caused by dramatic shifts amongst the makeup of the Republican Party.

After all, the New START Treaty was passed through a greater bipartisan vote than initially needed. First of all has been the changes related to the renewal of the New START agreement. During the ratification process, the Obama administration linked nuclear modernization to the ratification process. Such efforts built up Republican confidence in a possible deal with Russia.¹⁹¹ However, Republican concerns have increasingly become concerned that Russian nuclear weapons capability have come to rival United States capabilities. While this line of thinking may hold some explanatory power over the treaty, this does not provide a sufficient

¹⁸⁹ Bugos 2019

¹⁹⁰ Cruz and Cotton 2020

¹⁹¹ Hewitt 2019

explanation of why Republican sentiments have shifted so rapidly. After all, remaining in the New START Treaty just as well provides an insurance against Russia for fully committing its resources in a second nuclear arms race and by predicting a mechanism to predict the future size and posture of the Russian nuclear arsenal.¹⁹² Instead, a large reason why the New START Treaty has faced less support amongst Republican senators is a stark change in the composition of the Republican wing of the Senate.

Out of the Republican Senators that voted for New START, two out of thirteen Senators remain in office. And out of the 11 Senators that left office, four of their seats are currently held by a Democratic incumbent, a sign of a greater liberal shift in their respective states (Massachusetts, Georgia, Maine, and New Hampshire). The remaining seven seats though are now occupied by conservative Republicans who have much less desire to negotiate with a Democratic administration. This polarization can be measured by looking at the party support index – a measurement by CQ Congress that tabulates the amount of time that each politician votes in line with his or her party. These measurements are taken each year. Represented below are the average PSI score measuring from the beginning of each Senator's respective first term until 2019, the last date listed on the site. Republican members of the 111th Congress (the term that voted in the New START agreement) are compared to the current office holders from the 117th Congress (2021-2023) in the figures below. To note, Democratic Senators are PSI measure are not included in the figure below.

¹⁹² Hewitt 2019 and Congressional Research Service 2021

Figure 1:

111th Congress			117th Congress		
Name	In Office	111th Congress PSI	Successor	Successor's Party	117th Congress PSI
Lamar Alexander	No	87.47	Bill Hagerty	Republican	
Bob Bennett	No	90.17	Mike Lee	Republican	91.11
Scott Brown	No	56.67	Elizabeth Warren	Democratic	
Thad Cochran	No	85.88	Cindy Hyde Smith	Republican	96
Susan Collins	Yes	62.35	N/A	N/A	62.35
Bob Corker	No	89.58	Marsha Blackburn	Republican	99
Judd Gregg	No	89.56	Maggie Hassan	Democratic	
Johnny Isakson	No	93	Raphael Warnock	Democratic	
Mike Johanns	No	89.5	Ben Sasse	Republican	99
Dick Lugar	No	85.28	Mike Braun	Republican	99
Lisa Murkowski	Yes	76	N/A	N/A	76
Olympia Snowe	No	60.61	Angus King	Independent (Democratic Caucus)	
George Voinovich	No	79.08	Rob Portman	Republican	88.78

Figure 2:

Average of 111th Congress PSI	Average of 117th Congress PSI
80.4	88.90

Amongst Republican Senators that voted for the New START, the PSI was 80%. However, looking at the current PSI of each respective member the figure increases to 88.9%. This number

significantly increases if Susan Collins and Lisa Murkowski are omitted from the total (since the two are the only remaining Republican Senators that voted for ratification).

Figure 3:

Average of 111th Congress PSI	Average of 117th Congress PSI (w/out Susan Collins and Lisa Murkowski)
80.4	95.48

This number increases even higher to 96% if Senators Ben Sasse and Rob Portman are not included – as one will not seek reelection and the other currently shares an estranged relationship with the Republican National Party. Nevertheless, the results are compelling enough to show a clear trend towards Republican polarization caused by a rightward shift amongst the Republican voting base and moderate Republican seats being poached by Democrats.

The trend towards a more ideological Republican Party is also reflected in the composition of its Foreign Relations Committee members. During the ratification process of the New START agreement, 4 Republican Senators broke from their party to allow the treaty to be voted on in the Senate floor. However, the prospect of a Republican break on the committee looks less likely when analyzing PSI scores the same method previously.

Figure 4:

117th SFCR Member	Average PSI Score
James Risch	97.55
Marco Rubio	94.44
Ron Johnson	96.89
Mitt Romney	97
Rob Portman	88.78
Rand Paul	88
Todd Young	95.33
John Barrasso	97.23
Ted Cruz	94.57
Mike Rounds	95
Bill Hagerty	N/A
Average PSI Score	94.48

When comparing to the average PSI Scores from the 111th Congress to the current Republican members of the Senate Foreign Relations Committee, bipartisanship decreased by over around 15%, with partisanship of the average Foreign Relations Committee member being akin to the more conservative members who replaced previously moderate Republican Senators. Even with less conservative members of the Foreign Relations Committee such as Rand Paul (R;KY) or Rob Portman (R; OH) stated their concerns with New START.¹⁹³ Furthermore Mitt Romney, a Senator who has built up a relationship of independence vis a vis the national Republican Party – was outspoken on his disapproval of the New START treaty.¹⁹⁴ And while a Democratic slim majority in both the Foreign Relations Committee would allow new foreign treaties to be voted on in the floor, a more ideological Republican Party would ensure a future Democratic administration would almost solely rely on Democratic votes.

¹⁹³ Portman 2012

¹⁹⁴ Current Republican Senators on the Senate Foreign Relations Committee are James E. Risch, Marco Rubio, Mitt Romney, Rob Portman, Rand Paul, Todd Young, John Barrasso, Ted Cruz, Mike Rounds, and Bill Hagerty

What New START's Future Means for America's Future Foreign Relations

The increased polarization of American politics has meant that the previously bipartisan pursuit of arms control has become a political affair. And while, the New START treaty was able to muster a ratification process in 2010, the passage of similar legislation looks unlikely. This phenomena has implications that reach past the New START agreement or counterproliferation agreements themselves.

One risk that the collapse of the bipartisan consensus around counterproliferation is the phasing out of many counterproliferation treaties. Simultaneous to the end of New START was the expiration of the INF Treaty, something which the Trump administration allowed to expire.¹⁹⁵

While the Biden administration's extension of New START has pushed the date treaty's expiration date further in the future, this does not mean treaty expiration has ceased to become a worry. In both the INF and New START agreements, both agreements were held to a timeline in order to ensure the treaty's ratification and to ensure that the treaties had kept up with increases in nuclear technology. However, with the potential of treaties not being allowed to expire under a potentially hostile Congress, this significantly reduces the room of US diplomats to negotiate with the treaty and increases the likelihood of countries to view treaties as merely temporary measures that may be revisited at a later date.

Finally, an implication of the New START's contentious future is the notable rise in unilateralism amongst Republican elites. While previous Presidents may have sought a more aggressive and unilateral approach to national security, such attitudes did not constitute the sole prism in which Presidential administration's pursued their foreign policy. Rather, Presidents

¹⁹⁵ Bugos, 2019

often combined such tactics with more peaceful and multilateral policies that allowed geopolitical tensions to be controlled. Even the conservative archetype Reagan tempered his competition with the Soviet Union with the INF treaty to great affect. These changes in policy preferences amongst a more ideological Republican Party thus may constitute a greater problem in time as the strong preference for securing American interests solely through force of arms may make it more difficult for the country to cooperate with allied countries and complicate the seeking of détente. While critics may note that Republican hardliners may be more amenable to treaties if their counterparts ceded more ground, this idea rests on a number of presumptions. First, for rival nations to cede more ground on their treaties, said nation must view the lack of a treaty as the worst possible outcome. However, in the case of countries like Russia, China, or North Korea, such presumptions are not necessarily true. Russia for example has stated its willingness to leave treaties like the Open Skies Treaty due to its national interest while China has demurred on the benefits of engaging in trilateral arms control.¹⁹⁶ This runs in the face of the hardline argument that such countries have an intrinsic need to enter in such treaties, regardless of what policy outcomes they give up by doing so. Instead, lacking counterproliferation agreements has meant that nuclear proliferation has continued with fewer rules between nations, greater distrust, and less transparency in what other nations nuclear capabilities are.

Secondly, hardliners presumption that a better deal could somehow be reached is contentious at best. Negotiations with Russia lasted over a year with direct negotiations conducted by President Obama. Furthermore, proliferation negotiations in general had preceded the Obama administration by decades. This brings up the question of why a greater deal was possible in the first place. After all, the Bush administration immediately preceding the Obama administration

¹⁹⁶ Bugos 2019, Bugos and Reif 2021

had engaged in negotiations over Russia's nuclear armaments but was unsuccessful in formulating a treaty. Thus, New START was likely the best agreement that the United States could have achieved with Russia during that time.

Conclusion

Since the beginning of the nuclear age, proliferation has been a bipartisan concern for both Presidents and Congress. Thus, nuclear treaties were routinely signed by both Democratic and Republican Presidents. However, America's political polarization has ended this. This greatly explains the sudden reversal of the New START deal which was ratified by bipartisan consensus during the Obama administration, but was almost left to expire during the Trump administration. Polarization has meant that the Republican Party has become more unilateral while moderate members that would be more likely to support bipartisan pursuits of arms control have left office. This does not bode well for American diplomacy in the future as unilateralism itself has limited capacity to force nations to accede to countries demands and as hypothetical better deals are unlikely to be found.

US-DPRK Relations and Political Polarization

1. Introduction:

Political polarization has greatly complicated the President's ability to pursue the policy of détente. This phenomenon is readily apparent in the Clinton administration's fore in negotiations with North Korea. Beginning in 1992, North Korea's rapid progress on uranium enrichment lead to a series of negotiations that froze large swathes of the North Korean program. Despite the progress, the Clinton administration was unable to unify a hostile Republican Congress and thus struggled to deliver on American promises of aid. With the transition to the Bush administration, the progress made was soon abandoned and North Korean successfully detonated its first nuclear weapon.

The Clinton administration's experience is a useful example for future studies in North Korean affairs and foreign policy in general. Future administrations, like the Clinton administration, will face domestic constraint from opposition parties and President's will have to negotiate balancing US interests with domestic politics. Furthermore, the unpopular nature of détente with a hostile regime will means that Presidents may have to pursue such policies through executive orders. This opens the possibility of reversal by a future administration. This is especially true in North Korea's case because the country's unsympathetic position amongst the American public makes it an easy subject to criticize. Additionally, the lack of progress and high profile of such endeavors makes it an area ripe for criticism and symbolic dismantlement when changing administrations. This dynamic has been noticed by DPRK negotiators and diplomats who have sought to either wait out administration initiatives or have used the possibility of a foreign policy victory as a tool in negotiations between the two states.

In addition, while normal foreign relations are often stabilized through third parties such as business communities or immigrant communities, US-DPRK relations are unlikely to develop such stabilizers and thus may be subject to greater fluctuation based upon the prevailing political sentiment. This ensures that US policy towards the DPRK will remain fundamentally tense, with legislation enacted by Congress remaining primarily a punitive affair. These effects bring up fundamental discord between the United States and its regional allies (such as South Korea) who have a wider range of politically popular notions at solving the nuclear issue and want to see closure on such an affair.

This paper will begin by reviewing literature on the growth of political polarization of the United States which shows that the United States has rapidly polarized with bipartisanship becoming increasingly untenable. At the same time, both parties have developed distinct foreign policy preferences. These factors have effectively made foreign policy another political arena in which an opposition party can limit the President's ability to pursue foreign policy.

The paper will then examine the Agreed Framework as a case study for US-DPRK affairs which shows that President Clinton's attempt at opening ties with North Korea was constrained by an ascendant Republican Party. Overall, this dynamic meant that Clinton's initiative was rolled back by the Bush administration who had internalized many of the Republican Party's critiques of the Agreed Framework.

Finally, the paper will review possible counterarguments – that the DPRK's uranium and missile proliferation better explain the collapse of the Agreed Framework. The paper will note that while the DPRK's behavior has contributed to the failure of such agreements, it is not sufficient to explain the failure of the Agreed Framework – rather political polarization played a key role in

the United States by cementing differing opinions on how to evaluate the deal's success based upon party lines.

2. Literature Review:

Political Polarization and American Foreign Policy:

Political polarization has changed the way the United States pursues its foreign policy. While some international relations theorists argue that states pursue their interests as unified actors in a rational manner, a growing work of political scientists has revealed that both the methods and manner of diplomacy are constrained or permitted through domestic political disputes. Thus, polarization will have severe repercussions for any US policy maker, especially if North Korea is involved.

American politics to a great extent is defined between the struggle between the Democratic and Republican parties – two parties of equal strength that have been only able to muster miniscule majorities in Congress since the 1990s.¹⁹⁷ These insecure majorities has fueled a new style of combative politics where party members are increasingly motivated to pursue a form of zero sum politics, with bipartisanship viewed as “legitimizing the in party’s initiatives”.¹⁹⁸ This view of zero sum politics has increasingly dominated the discourse between the Democratic and Republican Parties across the branches of government and has encouraged parties to highlight their political differences to increase voter turnout.¹⁹⁹

Concurrent to the increase of partisanship amongst American politics, both Democratic and Republican Parties have taken increasingly different views on foreign policy and grand strategy.

¹⁹⁷ Lee 2016, 19, 27, 36-40

¹⁹⁸ Lee 2016, 3, 41

¹⁹⁹ Lee 2016, 73

Republican policy makers have hewed to a foreign policy of “muscular nationalism” emphasizing the United States military capabilities, a distaste of multilateral institutions, and an idealistic view of American unilateralism in world affairs.²⁰⁰ Changes in foreign policy preferences of the Republican base have likewise changed – with Republican voters increasingly converging on policy issues that emphasize the use of force while remaining less supportive of forms of soft power or legislation perceived as blocking the autonomy of the United States.²⁰¹ In turn this has been reflected on recent Republican administrations, most notably the Reagan and Bush II administrations. Both administrations sought the rapid buildup of military forces, with Reagan focusing on improving US military posture in Europe whilst Bush sought a muscular approach against the War on Terror and a hardline posture on rival states such as China and North Korea.²⁰² Additionally, Republican suspicions of multilateralism as a tool of American diplomacy were prevalent in both administrations, seeing the Reagan administration’s intervention into Grenada and the withdrawal from the Kyoto Protocol in the Bush administration.²⁰³ These tenets of “muscular nationalism” have likewise become more reflected amongst the Republican voting base. Increasingly, Republican voters have taken a more affirmative view on the use of force in international affairs while remaining suspicious of soft power aspects in foreign policy.²⁰⁴ Predictably these policy preferences to have become points of contention between the two parties.²⁰⁵

²⁰⁰ Busby and Monten 2012, 106-7, Dueck 2010, 293

²⁰¹ Busby and Monten 2012, 125-128

²⁰² Dueck 2010, 189, 268, 271

²⁰³ Dueck 2010, 268 and Holmes 2015, 201

²⁰⁴ Kupchan and Trubowitz 2007, 24-26

²⁰⁵ Kupchan and Trubowitz 2007, 26

Like many Republican President's the foreign policy of the Democratic Party has been innately tied with the desire to focus the Presidency on domestic affairs.²⁰⁶ However, the Democratic Party's foreign policy has remained relatively more diverse – with multiple strands of the party ranging from hawkish to relatively dovish.²⁰⁷ Nevertheless, both the most recent Democratic Presidencies of Clinton and Obama saw a greater desire to pursue foreign policy objectives through multilateralism.²⁰⁸ For both, the desire to do so was partially political – as the end of the Cold War and the War on Terror had significantly curbed American appetite to continue military interventions abroad.²⁰⁹ However, Democratic administrations shared the same suspicion of unilateral overreach and concern over the lack of a sufficient cost benefit analysis when committing US resources abroad.²¹⁰ This in effect meant that Democratic administrations tended to restrain itself in order to preserve the integrity of multilateral institutions which they believe could execute US policy due to the country's primacy in such institutions and multilateral institutions reflection of American values.²¹¹ Despite this, both administrations did not completely pursue foreign policy solely through multilateral means, as the US interventions in Kosovo and former Yugoslavia demonstrated. Nevertheless, both administrations significantly increased the prominence of international cooperation as core symbols of their foreign policy and displayed a greater willingness to pursue the use of détente in the use of foreign policy.²¹²

While foreign policy differences amongst Presidencies is to be expected, the increasingly different foreign policy preferences have meant that foreign policy has become issues salient to

²⁰⁶ Dueck 2010, 301

²⁰⁷ Dueck 2010, 190

²⁰⁸ Kubbig, Dembinski, and Kelle 2000, 13 and Dueck 2010, 190

²⁰⁹ Dueck 2010, 301-3

²¹⁰ Kubbig, Dembinski, and Kelle 2000, 13

²¹¹ Weiss 2012, 256 and Mangu 2013, 176-177

²¹² See Kubbig, Dembinski, and Kelle 2000 for Clinton's pursuit of multilateralism, Hwang 2004 for détente, and Weiss 2012 for Obama's use of multilateralism

candidates on both parties.²¹³ For Republicans, the Democratic appeals of nationalism have been weaponized as dangerous sanctions of appeasement while Democratic scorn against the hubris of the Iraq War were decisive messages in the 2008 election of President Obama.²¹⁴ Thus, the strengthening of foreign policy preferences amongst political parties have concurrently meant that foreign policy have become key points of criticism for the rival party.

Overall, polarization has meant that President's face increased costs while pursuing foreign policy despite their first mover advantage in any unilateral attempt at forging policy.²¹⁵

Increasingly minority parties within Congress has shown an ability to restrain the executive branch. This is especially true given a direct conflict of interest between the legislative voting base and the President's agenda.²¹⁶ Thus, Presidents have sought Congressional approval to bolster the legitimacy of military intervention²¹⁷ and other foreign policy initiatives. In these cases, Congress has been effective at extracting political costs of any Presidential foreign policy initiative.²¹⁸ In effect, this has meant that Presidents have been limited in their foreign policy pursuits based upon political popularity.²¹⁹ Yet, as we have seen in polarization, negative partisanship has become more pronounced amongst the American electorate²²⁰ and bipartisanship has been increasingly politically disadvantageous.²²¹ This has meant that bipartisanship popularity has become less common and that even in cases of foreign crises, a

²¹³ Dueck 2010, 298-300

²¹⁴ Kupchyan and Trubowitz 2007, 26 and Dueck 2010, 284-6

²¹⁵ Howell 2003, 13

²¹⁶ Milner and Tingley 2015, 15

²¹⁷ Kriner 2014, 311

²¹⁸ Kriner 2018, 53

²¹⁹ Kriner 2018, 54, 64-65

²²⁰ Sides, Tesler, and Vavreck 2018, 158

²²¹ Lee 2016, 3

unifying threat may not necessarily overcome a partisan dynamic especially if the crisis remains unresolved for a prolonged period of time.²²²

The demise of a unified consensus on US foreign policy means foreign policy is increasingly an arena for domestic political disputes. This means that US foreign policy will likely trend to the status quo as changes in perceived US policy will likely be considered points of contention.²²³

Furthermore, polarization may further complicate the ability of institutional learning in the United States from foreign policy failures and increases the risk of sudden shifts in foreign policy following a switch in presidential administrations.²²⁴ In effect, this means that polarization is likely to force US policy into a cycle of status quo and rediscovery as each presidential administration seeks to remain in the status quo, learn about its international surroundings, only to restart following the end of the administration. As we will see, in the case of North Korea, this may result in a losing hand as the US policy towards the Korean peninsula has trended to a hostile stalemate in which the DPRK can pursue greater nuclear capabilities. Furthermore, the cycle of learning and relearning following presidential limitations may greatly increase the chances of miscalculation as each presidential administration may have to rediscover the ways the DPRK displays its intentions or willingness to escalate military provocations.

US Historical Policy to North Korea:

Now that we can establish how polarization has affected American foreign policy, we must begin to look at US-North Korea policy prior to the beginning of political polarization. Doing so will allow us to examine the common themes of such policy prior to polarization and allow us to see how polarization has caused a disruption on US policy.

²²² Flynn 2014, 480

²²³ Schultz 2017, 8

²²⁴ Schultz 2017, 9

Following the end of the Korean War, the United States' policy to North Korea was barely existent – merely focusing on enforcing the armistice and remaining vigilant against military provocations. Instead, US regional focus was placed more on South Korea, where economic growth remained stalled and the authoritarian nature of the regime often strained ties.²²⁵ Overall, this gloomy outlook towards the South affected US policy towards the Korean peninsula, leading for a greater desire to minimize the chances the US could be drawn into conflict in the region.²²⁶

However, beginning in the 1960s, North Korea began to pursue a policy of military provocations aimed at inciting a revolution in the South and splitting the US-South alliance.²²⁷ Collectively, the combined incidents created a period known as the “Second Korean War” where violent incidents numbered in the hundreds annually.²²⁸ While North Korean leader Kim Il-Sung may have believed that such provocations would have enabled an asymmetrical victory against the United States, these provocations ironically meant that American policy makers increasingly saw withdrawal from the Korean peninsula as a geopolitical risk. In addition, high profile provocations such as the kidnapping of the USS Pueblo and the Panmunjeom Ax Murder Incident cemented United States posture in Korea as military drawdowns from South Korea increasingly became seen as rewarding a state hostile towards the United States.²²⁹ This in effect meant that presidential prerogatives such as President Carter's threats to withdraw from South Korea became less likely as military withdrawal from South Korea could unintentionally signal a lack of resolve of the United States throughout Asia and the World.²³⁰ Thus, it became increasingly seen as necessary amongst US policy makers to remain in the region and remain

²²⁵ Kim and Baik 2011, 59-63

²²⁶ Kim and Baik 2011, 60 and Cha 1996

²²⁷ Lankov 2015, 29-30

²²⁸ Lankov 2015, 30 and Jackson 2016, 25

²²⁹ Oberdorfer and Carlin 2014, 80-82

²³⁰ Oberdorfer and Carlin 2014, 76

vigilant against the North Korean security threat, threatening force when North Korean actions seemed likely to force the United States into war.²³¹

The Need for Détente:

While the political polarization of the United States may make the ability to achieve détente with North Korea unlikely, that does not make the policy in and of itself foolish. In fact, upon closer examination, limited détente with North Korea would likely advantage the United States in multiple ways. First, is the risk of miscalculation. Throughout the Cold War period, the United States and North Korea have engaged in military skirmishes along the demilitarized zone. During these provocations, both US and North Korean policy makers had difficulty in assessing the actual goals of the other side and often had to rely on conjecture and various forms of risk mitigation to prevent a military escalation.²³² In addition, North Korean provocations have explicitly targeted both South Korean military personnel and civilians, meaning that while some armed provocations may not have necessarily targeted the United States, there still remains a risk of being dragged into an armed conflict with the North.²³³ Nevertheless, as North Korea has increasingly developed second strike capabilities and its ability to target the United States with nuclear weapons, the risk of an armed provocation escalating into nuclear conflict has increased. While the United States has seen prolonged periods of nuclear standoff (most notably with the Soviet Union for the duration of the Cold War), US presidents routinely met with Soviet leaders and developed extensive mechanisms to ensure that crises did not devolve into war. However, such mechanisms do not exist in the current US-DPRK relationship. Thus, the establishment of

²³¹ Jackson 2016, 4, 192-194

²³² Jackson 2016

²³³ Jackson 2016

basic diplomatic mechanisms and military mechanisms to prevent the outbreak or escalation of military hostilities would serve both the United States, South Korea, and the North.

Secondly, the issue arises of whether the idea of the hostile peace currently favors the United States. While the United States holds military and economic superiority over North Korea, North Korea has demonstrated the ability to nonetheless test and refine its nuclear weapons programs despite the enactment of multiple US sanctions. Effectively this places US policy makers in a conundrum as North Korea's pursuit of nuclear weapons is something that North Korea will not give up.²³⁴ Thus policy makers either must choose between military conflict if diplomatic methods are not used. In many ways, this allows Pyongyang to hold an advantage in the long term because absent a diplomatic deal that would end the nuclear issue, the DPRK continues to be free to refine its nuclear capabilities despite the sanctions.²³⁵ Overall this means that while the United States may make economic or political concessions in the search for a rapprochement, the long term gains of a curbed North Korean nuclear program may outweigh the costs involved in obtaining them.

Conclusion:

Increasingly, America's political polarization has led to a polarization of American foreign policy. As a result, political polarization will act as a restraint on the pursuit of détente with North Korea across Presidential administrations. Despite this, I show that the current state of hostile peace may not necessarily be the best for the United States and that limited forms of sustained détente would benefit the United States. Thus, the question is raised, can the US pursue

²³⁴ Lankov 2017

²³⁵ Bolton 2020, 321

détente with North Korea across presidential administrations given the polarized nature of the country?

3. Methodology:

To test whether political polarization prevents the United States from pursuing détente with North Korea across Presidential administrations, we will look at the Clinton Administration's Agreed Framework and examine whether political polarization prevented Agreed Framework from being pursued across presidential administrations.

In the Clinton administration's case, North Korea's weapons program lead to near war between the two states. Quick intervention from President Jimmy Carter allowed for a diplomatic solution to the affair and the United States began to scale up its diplomatic meetings with North Korean officials, leading to the signing of the KEDO agreement. Towards the end of his Presidency, Clinton began sending higher level United States officials in the hopes of furthering his détente and ensuring that North Korea would cap its nuclear program. Nevertheless, we will see that Clinton's outreach was not welcomed by the opposing Republican Party which sought to undermine the Clinton administration's outreach through the restriction of funding towards the Korean Peninsula Energy Development Organization and by adding on additional inspections to the Agreed Framework. This process cumulated with the election of the Republican candidate George Bush who soon dismantled the Clinton administration's policy of outreach.

From there we will explore an alternative explanation for the Agreed Framework's collapse – that the DPRK's uranium and missile proliferation were the reason for the deal's collapse and that the Agreed Framework was unable to restrain North Korea's missile ambitions.

4. Clinton Administration:

The interactions undertaken by President Clinton represented an unprecedented diplomatic campaign that sought to achieve détente with, and the denuclearization of, North Korea.

Unsurprisingly, the unprecedented nature of the campaign elicited strong partisan fervor.

However, while outreach towards North Korea soon became a high profile event that defined the Clinton administration's foreign policy, the origins of such outreach began accidentally.

Towards the end of the George HW Bush administration, the United States began to review its commitments around the world. This was meant to reduce geopolitical tensions as the Cold War ended. As part of this, the United States undertook a withdrawal of nuclear weapons forward positioned in the Korean peninsula.²³⁶ These efforts lead to the North South Denuclearization Declaration between the two Korea's – an agreement that severely curtailed both Korea's ability to refine and reprocess fissile material and allowed inspectors from the IAEA.²³⁷ Thus, as the Clinton administration began its term, it would seem that the US-DPRK relationship would continue the rapprochement begun by George HW Bush. However, inspections by the IAEA soon lead to the realization that North Korea had reprocessed enough plutonium to manufacture two bombs.²³⁸ As a result, the North denied inspectors access to the Yongbyon Nuclear Facility, a processing plant that the US had suspected was the primary facility behind North Korea's nuclear weapon's production.²³⁹

The failure to provide access to the IAEA inspectors lead to a rapid increase in tensions, quite possibly remaining the closest the United States went to war with North Korea prior to the "Fire and Fury" period of the Trump administration. North Korea announced its intent to leave the

²³⁶ Wit, Poneman, and Gallucci 2005, 9-10

²³⁷ Wit, Poneman, and Gallucci 2005, 10

²³⁸ Sigal 1997

²³⁹ Timeline, PBS Frontline

Nonproliferation Treaty within 90 days.²⁴⁰ Due to the belief that an atomic North Korea would be imminent, North Korean threats to reduce Seoul into a “sea of fire”, and North Korea’s withdrawal from the IAEA, the Clinton administration began to consider military options.²⁴¹ Thankfully, last minute negotiations lead by former President Jimmy Carter and North Korean leader Kim Il Sung lead to an agreement to freeze North Korea’s nuclear program in exchange for economic and political guarantees.²⁴²

It was in this aftermath that the US and North Korea began negotiations, seeking a deal that would satisfy US concerns on North Korean plutonium enrichment and North Korean losses on their electrical grid. These negotiations lead to the creation and signing of the Agreed Framework wherein North Korea would freeze its nuclear program and allow inspectors to verify the status of Yongbyon Nuclear Facility and other graphite moderated reactors.²⁴³ In exchange, the United States would agree to provide fuel and light water reactors to compensate the North for the loss of electricity.²⁴⁴ In the mean time, both countries pledged to ease tensions, establish liaison offices, and to work on normalizing relations between both countries.²⁴⁵ To do this, the United States formed the Korean Peninsula Energy Development Organization (KEDO) – a multinational consortium with South Korea and Japan that would provide both the funding and implementation of economic aid to North Korea.²⁴⁶

²⁴⁰ Davenport 2020

²⁴¹ Perry in PBS Frontline Interview, Feb 26, 2003

²⁴² Wit, Poneman, and Gallucci 2004, 201-204

²⁴³ Agreed Framework, 1994

²⁴⁴ Wit, Poneman, and Gallucci 2004, 331-2

²⁴⁵ Beal 2005, 80-81

²⁴⁶ Timeline, PBS Frontline

Domestic Reactions:

Whilst the Agreed Framework was signed as an executive agreement, domestic support amongst the American public would be key to the Framework's success. Thus, Clinton sought to gain support Congressional and other political leaders, visiting former President George HW Bush while negotiations were still underway. In the meeting, Clinton briefed his predecessor on the general outlines of the agreement. Bush upon hearing this gave his tacit approval for the deal's fundamentals.²⁴⁷ Similar efforts were made to court former President Gerald Ford who while not explicitly supporting the deal, emphasized that the Agreed Framework still allowed the United States to stymie a resurgent North Korea if negotiations were to fail.²⁴⁸ Nevertheless, while Clinton was able to win a sense of acknowledgement from former Republican statesman, the reality of the 1994 election had rapidly changed the makeup of Congress.

Following the 1994 elections, the Republican Party was ascendant. Sweeping aside the former Democratic majority, the Republican Party now commanded both the House, Senate, and key committees. Ideologically and politically both sides were far apart as Clinton a Democrat tended towards the American liberal tradition while Newt Gingrich sought to represent a resurgent conservative wave at home and a muscular nationalism abroad.²⁴⁹ It is perhaps unsurprising then that the Agreed Framework also received a suspicious reaction from the Republican Congress who argued that such a deal was only possible due to the concessions that the United States made and that the agreement to send fuel to North Korea was unconscionable.²⁵⁰ Nevertheless, while the Republican Party could mount a full assault on the Agreed Framework, they were constrained in two ways. First, was that the if the Republican Party let the Agreed Framework

²⁴⁷ Wit Poneman, and Gallucci 2004, 338

²⁴⁸ Wit, Poneman, and Gallucci 2004, 339

²⁴⁹ Gingrich in PBS Frontline Interview, March 27, 2002.

²⁵⁰ Dole, cited in Hamilton 1994 and Weymouth 1995

fail, they would hold responsibility if the deal fell apart.²⁵¹ In addition, while many Republicans did not like the Agreed Framework, there was no clear alternative to the deal.²⁵²

Nevertheless, the Republican Party was not completely powerless. The fact that key committees were held by Republican Congressmembers meant that any release of funds involved with the the Agreed Framework would have to pass through Republican scrutiny.²⁵³ This presented a great opportunity for the Republican Party to go on the offensive.

The first major dispute over the Agreed Framework occurred during the funding for KEDO.

While the Agreed Framework promised North Korea \$10 million in heavy oil aid, the House of Representatives passed HJR 83, meant to prevent the United States disbursing any foreign aid to North Korea.²⁵⁴ Caught flat footed, the Clinton administration had to find a way to ensure the United States could maintained its end of the deal. First, the Clinton administration signed the bipartisan Dole Amendment which ensured that the United States would only provide aid given verification of the lack of North Korea's nuclear program.²⁵⁵ By doing this, the Clinton administration sought to reassure Congressmembers that aid promised by the Agreed Framework would directly achieve the goals the Agreed Framework meant to achieve. In addition, the Clinton administration resorted to scrounging the budget for discretionary funds that could be diverted to ensure the United States could fund the light water reactors agreed to in the Agreed Framework.²⁵⁶ Nevertheless, while such legal gymnastics ensured that the Agreed Framework could survive, the concessions made by Congress in effect increased the leverage the Republican

²⁵¹ Wit, Poneman, and Gallucci 2004, 337

²⁵² Wit, Poneman, and Gallucci 2004, 339

²⁵³ Gallucci in PBS Frontline Interview, March 5, 2003.

²⁵⁴ Bergersen 1995, 14

²⁵⁵ Amendment 2273, H.R. 4426

²⁵⁶ Lee and Miles 2004, 188-190

Party could use to effect the bill. Besides the use of funding, the Republican Party was able to use the idea of inspections to further pressure the Clinton administration. While the Agreed Framework did not specifically specify the nature of inspections, the Republican Party was able to tie funding with the nature of inspections further eroding the Clinton administration's ability to negotiate.²⁵⁷

In 1998, North Korea launched a missile test, claiming that it was a satellite test.²⁵⁸ Soon, the second showdown over the Agreed Framework began. While missile developments were not covered in the Agreed Framework, Republican members of Congress were irate, claiming that North Korea could now hit Seattle, not just Seoul.²⁵⁹ Republicans argued that as a result, the United States should refuse aid to North Korea, employ more coercive measures against North Korea to bring it to the negotiating table, and increase its missile defense capabilities.²⁶⁰

Nevertheless, the Clinton administration differed from the Republican approach. Due to the missile programs, President Clinton ordered a policy review under Secretary of Defense William Perry. However, unlike the Republican response, Secretary of Defense Perry suggested that the United States would maintain a military advantage over North Korea and thus should seek to solidify political ties between the two states and further a diplomatic disarmament of North Korea's missile and WMD program.²⁶¹ Failure to pursue greater ties, Perry argued, would endanger the small gains that the Agreed Framework had made.²⁶² Perry's words were extremely prescient as Congress then cut all funding for the Agreed Framework, and the subsequent

²⁵⁷ Lee and Miles 2004, 190

²⁵⁸ Beale 2005, 85

²⁵⁹ Hathaway and Tama 2004, 713

²⁶⁰ Gingrich in PBS Frontline Interview, March 27, 2002 and Hathaway and Tama 2004, 715-716.

²⁶¹ Perry 1999

²⁶² Perry 1999

election of George Bush meant that a separate deal that would both open greater ties between the two states and address Pyongyang's growing missile program were shelved.²⁶³

The End of the Agreed Framework:

The election of George W. Bush marked a pivotal point in the Agreed Framework. Whilst the so called Perry Process argued that the United States would “give more to get more”, the Bush administration remained highly suspicious of any engagement with North Korea and placed US-North Korea policy under a policy review.²⁶⁴ Although such a policy review ostensibly maintained Clinton's North Korean policy, there were key differences – refusing to reconfirm the administration's commitment to a non-hostile relationship with the DPRK, demands for additional inspection without any reciprocation, demands of reduction of North Korea's conventional military force, and the inclusion of North Korea's missile program into the Agreed Framework despite a lack of any concurrent agreement on the American side.²⁶⁵ Soon, the outset of the War on Terror fundamentally changed the dynamic between the two states, transforming the US-North Korean policy from malign neglect to open hostility.²⁶⁶ While North Korea had expressed regret over the 9/11 attacks and had expressed willingness to cooperate with the United States upon counter-terrorism, increasingly the Bush administration saw North Korea as a likely source of missile and nuclear technology.²⁶⁷ Thus, the Bush administration began to increase both pressure on North Korea through rhetorical measures, outlining North Korea as part of a global axis of evil.²⁶⁸ In addition, subsequent policy changes such as outlining the use of preventative war in the National Defense Authorization Act increased North Korean suspicion of

²⁶³ Perry in PBS Frontline Interview, Feb 26, 2003

²⁶⁴ Wit, Poneman, and Gallucci 2005, 377-378

²⁶⁵ Beale 2005, 101

²⁶⁶ Gallucci in PBS Frontline Interview, Undated

²⁶⁷ Wit, Poneman, and Gallucci 2005, 378 and Gallucci in PBS Frontline Interview, March 5, 2003

²⁶⁸ Bush 2002

the Bush administration's intentions.²⁶⁹ In this time, the final blow came from North Korea itself. Intelligence came to show that the North Korean regime still retained uranium processing plants, although the scale of such projects could not be confirmed.²⁷⁰ In response, the United States halted remaining fuel shipments to North Korea. As a result, North Korea subsequently left the NPT and detonated its first nuclear weapon.²⁷¹

Why Did the Agreed Framework Fail?

From our review of the partisan controversy over the Agreed Framework, we can conclude that the deeply polarized nature of American politics both prevented a smooth execution of the Agreed Framework and ensured that the Agreed Framework was abandoned following the Clinton Administration. Republican opposition towards the Agreed Framework was almost immediate – or as Ambassador Gallucci put it, “We did not get ticker tape parades, as it turned out”.²⁷² Throughout the Framework's existence, Republican critiques argued that the Agreed Framework represented United States paying another state for bad behavior and that instead the United States should increase the use of coercive diplomacy to ensure that North Korea acceded to American demands.²⁷³ And while some Republicans were unable to iterate a detailed alternate solution to the current impasse, the Republican Party still remained suspicious of any reimbursements towards North Korea.²⁷⁴ Overall, these critiques were interwoven with a greater critique of the Clinton administration – that the administration was strategically inept and lacked

²⁶⁹ Gallucci in PBS Frontline Interview, March 5, 2003.

²⁷⁰ Harrison 2005, 101 and Wit, Poneman, and Gallucci 2005, 379

²⁷¹ Lankov 2015, 187-190.

²⁷² Gallucci in PBS Frontline Interview, March 5, 2003

²⁷³ McCain 1999

²⁷⁴ Wit, Poneman, and Gallucci 2005, 336-337

the ability to use America's moment as the sole superpower to shape the world image in its shape.²⁷⁵

As a result, the Republican Party executed a policy of stonewalling – denouncing the Agreed Framework as foolish and by defunding the Agreement to minimize its efficacy.²⁷⁶ At the same time, such measures did not explicitly destroy the Agreed Framework, in a sense absolving the Republican Party any blame for jettisoning the Clinton administration's diplomacy. However, such efforts decreased the ability of the United States to fulfill measures within the deal, hindering the chance of success. In effect, this meant that in the case the deal failed, the Republican Party could claim foresight of the Clinton administration's policies and paint it as a greater political failure on a rival presidential administration.²⁷⁷

It is little surprise then, that the Bush administration began his term with suspicion on the Agreed Framework and in many ways integrated Republican critiques of the Agreed Framework – that North Korea had extracted too many concessions from the United States, that the missile program presented a comprehensive threat to the United States, and that more coercive measures should be used to gain a better deal.²⁷⁸ Thus, the Bush administration argued for a comprehensive North Korean policy would simultaneously address the human rights abuses, food aid, refugee aid, and the missile program whilst minimizing economic aid given to North Korea under the Agreed Framework.²⁷⁹ The increased demands spurred the North Korean belief that the United States was changing its demands and was seeking to break the Agreed

²⁷⁵ McCain 1999

²⁷⁶ Sigal 1998, 238

²⁷⁷ Sigal 1998, 238

²⁷⁸ Gates 2020, 334-335.

²⁷⁹ Lee and Miles 2004, 192-202

Framework.²⁸⁰ As a result, US-North Korean relations declined rapidly, with the North Korea leaving the NPT and detonating its first nuclear weapon.

5. Counterpoint: Did North Korea itself destroy the Agreed Framework:

While some have presented the Agreed Framework as a missed opportunity between the United States and North Korea, others have argued that it was North Korea itself that ended the Agreed Framework. Critiques of the framework generally can be framed under the following line of thought. While polarization may have constrained the Clinton administration's pursuit of rapprochement, it was North Korea that made this untenable. Critics point out to the discovery of North Korea's uranium enrichment around 1998, 4 years after the Agreed Framework was signed and North Korea's selling of nuclear and missile technology to Syria as examples of North Korea failing to hold its end of the bargain.²⁸¹ This, critics argue was the reason the Bush administration chose not to continue the Agreed Framework.

However, while this is an interesting speculation, such critique has a number of flaws. The first flaw is that while such actions were a provocation towards US-DPRK rapprochement, they did not constitute a direct violation of the Agreed Framework. Throughout both the negotiations, the Agreed Framework focused explicitly on the containing of plutonium within North Korea's graphite reactors.²⁸² While the Clinton administration was concerned with North Korean proliferation threats and uranium enrichment, the Clinton administration sought to contain these developments in future deals via the Perry Process. Thus, while a future presidential administration would have had to deal with further North Korean provocations, it was a Bush administration interpretation that the Agreed Framework would encompass proliferation

²⁸⁰ Beale 2005, 115-116

²⁸¹ Bolton 2020

²⁸² Agreed Framework, 1999

concerns or would act as a litmus test for a greater easing of ties between the two states. Given Republican concerns of the Agreed Framework, it is unsurprising that the Agreed Framework was not seen as the beginning of a long process of rapprochement but rather as a test on whether North Korea could be trusted in the same way.²⁸³ Thus, domestic political ideology rather than North Korea itself has greater explanatory power on the collapse of the Agreed Framework.

A second criticism is that the Agreed Framework only provided North Korea incentives for cooperating with the United States and thus held no coercive measure to force North Korea back to the table if it cheated. However, this is not the case. Rather, the Agreed Framework provided the United States an opportunity to address North Korean attempts at cheating with regional allies via KEDO.²⁸⁴ This mechanism was used throughout the Clinton administration with the administration holding trilateral summits between the leaders of South Korea, Japan, and the United States along with holding multiple rounds of lower trilateral negotiations.²⁸⁵ These meetings allowed the United States to communicate its concerns with North Korean nuclear and missile programs and allowed for a united front between the regional allies that took into account South Korean and Japanese fears of escalating military tensions leading into war.²⁸⁶ In addition, the Agreed Framework's possibility a positive relationship between the region served as a reason why sensitive issues like the possibility of missile proliferation or uranium enrichment could be addressed instead of prompting a North Korean diplomatic retreat.²⁸⁷ This sentiment was furthered by the South Korean analysis of the situation, with the Korean president arguing that the North Korean government would likely continue a slow path toward rapprochement given

²⁸³ Lee and Miles 2004, 196

²⁸⁴ Department of State Cable, Seoul 6877 to Sec State

²⁸⁵ Wampler 2017

²⁸⁶ Wampler 2017

²⁸⁷ Cable, State 230688 to American Embassy Seoul, Subject: The Secretary's October 24 Meeting with DPRK FM Paek Nam Sun, December 5, 2000

the North Korean state reaping the benefits of détente.²⁸⁸ Thus, the Agreed Framework provided the US and its allies rewards and a platform to confront North Korea over its uranium enrichment while providing the North Korean officials positive reasons why uranium enrichment would be harmful for future ties.²⁸⁹

Finally, critics argue that the Agreed Framework was perceived as a temporary measure to gain North Korea time for its ultimate goal – a nuclear powered state. While North Korea in recent times has moved to make nuclear weapons a core part of its weapons arsenal, such resolve was not as firm in the ‘90s.²⁹⁰ While North Korea did demure or slow walk the handing over its plutonium rods towards the United States, Clinton officials like Robert Gallucci saw these actions as a reluctance to give up leverage with the United States – believing that once plutonium rods were given to the United States, the DPRK would lose its ability to secure any concessions from the United States. Thus, the DPRK sought to give plutonium rods once the light water reactors was complete. Ironically, political scientists like Ankit Panda muse that the failure of the Agreed Framework may have had the opposite effect the United States wanted – that being given the Bush administration’s disinterest in continuing rapprochement, failing ties between the nation, and the US invasion of Iraq that convinced North Korean leadership that an independent nuclear deterrence was necessary.²⁹¹

6. Can a polarized America pursue détente across Presidential administrations:

So, can a polarized United States pursue détente with North Korea across Presidential administrations? Looking at the Agreed Framework, this seems unlikely. Throughout its time,

²⁸⁸ Cable, American Embassy Seoul 6928 to Secretary of State, December 8, 1998, Subject: Former Secretary Perry's Meeting with President Kim (Confidential)

²⁸⁹ National Security Council, Summary of Conclusions for Meeting of the NSC Principals Committee, July 21, 1999

²⁹⁰ Panda 2020, Chapter 2

²⁹¹ Panda 2020, 52

the Agreed Framework's high profile nature made it an easy target for opponents looking for an example of the Clinton administration's strategic incompetence. Furthermore, the fact that the Agreed Framework left the US-North Korea relationship at the beginning stages of a détente meant that the critics could cite slow progress as evidence the DPRK could not be negotiated with. In all likelihood, any future deal with North Korea is likely to face the same constraints. The past 30 years have seen partisanship increase and divided government has become the norm – granting any opposition party the opportunity, the leverage and the platform to oppose any Presidential deal.²⁹² This means that rapprochement will face an emboldened opposition and a Presidential successor that has little reason to maintain an unpopular deal. With these challenges in mind, it is little surprise that détente with North Korea will not likely survive presidential administrations – and in fact, should be seen as a norm. So, what does the US-DPRK relationship have in store?

For the foreseeable future, the US-DPRK relationship is likely to remain tense. Although a President may use their authority to pursue rapprochement with North Korea, as the Agreed Framework showed, Congress has multiple means to complicate such a pursuit. Furthermore, while a diplomatic breakthrough may serve as a watershed moment for any President, the possibility of a domestic backlash may serve as a deterrent for a President thinking of such a pursuit. In effect, this means that future President' may increasingly see North Korea as a lost cause and may seek to ignore the country, merely maintain the current US posture in the region.

While American President's may have had less motivation to negotiate with North Korea, the prospect of brokering a historic solution towards the North Korea has been noticed – by the

²⁹² Spivak, 2018

North Koreans who have increasingly used the ideas of brokering a historic agreement between the two states as a concession given to a US president.²⁹³ While such efforts, have fallen short of directly motivating a US President to broker an arms control deal with North Korea, there remains a possibility that given a desperate American president and a pliant Congress, an unfavorable agreement with North Korea may be reached.

In addition, elected officials are loath to seem weak to a regime that not remains not only a provocateur to the United States, but also as one of the world's most flagrant human rights abusers. This means that initiators of détente with North Korea are likely to be outflanked by critics arguing to maintain a hardline stance. In all likelihood, this is good politics. After all, President Clinton himself called on the United States to tie its economic relations with human rights conditions in China during his election and was able to gain domestic political support for his stance.²⁹⁴ However, while such grandstanding may be good politics, it remains to be seen whether such acts constitute good diplomacy. In effect, grandstanding turns North Korean policy into a punitive affair, engaging with North Korea only when the DPRK first accedes to United States policy demands. Nevertheless, it is questionable that this is effective. Ambassador Gallucci argued that North Korea believed that acceding to all US demands would be tantamount to surrender and that absent a diplomatic solution, North Korea would unilaterally pursue its nuclear capabilities.²⁹⁵ Gallucci's logic still seems prescient. Even now, North Korea's nuclear capabilities and ambitions have increased – yet the United States has sought unilateral North Korean disarmament before lifting of any sanctions. 20 years later, it remains to be seen whether such a strategy will work.

²⁹³ Pak 2020, Chapter 15.

²⁹⁴ Gates 2020, 357

²⁹⁵ Wit, Poneman, and Gallucci 2005, 394-395

Overall, the underdeveloped relationship between the US and North Korea will likely have two major consequences for US foreign policy. The first, is that the problem of miscalculation will likely remain in the future. Throughout the Cold War and the negotiations of the Agreed Framework, military incidents and provocations pushed both countries to the brink of war. While cooler heads prevailed, there remains a chance that military miscalculation could lead into an unintentional war. In relationships, such as the Sino-US relationship the business community has played a key role in mitigating these hiccups, pressuring the US government to mitigate the worst possible outcome between the two states.²⁹⁶ However, in the US-DPRK relationship, this dynamic is not present. This means that US policy makers will have little restraint besides the threat of war to engage in predictions with North Korea.

This dynamic leads to another consequence of the negative dynamic of US-DPRK relations – the risk of alienating allies neighboring North Korea. While the United States would suffer immensely in a second Korean War, the US remains out of range from most of North Korea's weaponry. This is not the case for US allies like South Korea or Japan who would see their homelands directly attacked in a resumption of hostilities. Given an unmitigated negative dynamic between the US and North Korea, allied states may increasingly view the United States' approach to North Korea as too naïve or dangerous and may seek to forge separate understandings between North Korea.²⁹⁷ This would severely weaken US policy in two ways. First, the US depends greatly on allied contributions to project power in the region. This would limit the options any US president would have to deal with other regional threats such as China or North Korea itself. Finally, it would make further negotiations with North Korea even more

²⁹⁶ Gates 2020, 359

²⁹⁷ Terry 2020

difficult as past approaches have sought to project a united front with US allies in order to ensure North Korea does not skirt punitive measures that were emplaced.

Thus, we can see that US-North Korean relations remains a difficult issue for the United States to address. While the Clinton administration sought a diplomatic solution with the North Korean government, such efforts were severely constrained by a polarized Congress. Implications from such actions mean that future US Presidents will likely face the same domestic political constraints that Clinton did – decreasing the likelihood of a future US President from attempting to solve the issue. This will in the long term increase the chance for miscalculation on either side and could act as a source of friction between the United States and regional allies.

Conclusion:

This thesis demonstrates that US foreign policy has been greatly shaped by domestic political competition in three ways. First, by comparing the process of ratification between the North American Free Trade Agreement (NAFTA) and the Joint Comprehensive Plan of Action (JCPOA), we can see that confirmation votes have come down on party lines. This greatly affected bipartisan views of such agreements. NAFTA, while initially being criticized was allowed to remain in affect for over two decades before being updated in a separate agreement that largely resembled NAFTA whereas the United States withdrew from the JCPOA during the following administration. This indicates that partisan views during the confirmation of such agreements were critical in the long term survival of such agreements. Furthermore, the increased party unity on foreign affairs demonstrates that foreign policy preferences have become increasingly solidified between parties. This means that future political or legislative executive agreements are less likely to be viewed as legitimate by the opposition party. As a result, the longevity of a President's foreign agenda is likely to be hinged on the strength of his or her party.

Furthermore, research on the New Strategic Arms Reduction Treaty (New START) shows that previously bipartisan legislation has become increasingly contentious. In great deal, this is due to the replacement of previously moderate Republicans by more partisan Republican Senators or Democrats. The replacement of moderate Republican Senators removes a critical base of support that was essential for New START to be ratified and makes the possibility of future arms control agreements being pursued through a treaty mechanism as increasingly unlikely. Instead, future arms control agreements will likely face greater partisan scrutiny as new Republican Senators

have showed an increasingly unilateral view on foreign policy. This means that any future President will have to spend significantly more time and political capital on increasing the United States military's capabilities as a policy concession to hawkish members of the Senate. This may further complicate treaty formation as other countries are likely to see increasingly large US military budgets as a direct threat and thus have an increased suspicion of the utility of any arms control agreement.

Finally, research on the Clinton administration's outreach towards the Democratic People's Republic of Korea (DPRK colloquially known as North Korea) shows the limits that partisanship places on a President's unilateral ability to seek détente. Throughout the Clinton administration's seeking of détente with North Korea, increasingly specific and difficult verification measures were added to the treaty. Furthermore, actions by the House of Representatives meant that the Clinton administration had to simultaneously resolve other outstanding issues in the US-DPRK relationship. This meant that progress was slow and were an easy target for the upcoming Presidential elections. Following the transition to the Bush administration, the Clinton administration's outreach towards North Korea was abandoned.

Such an experience shows that polarization has made seeking détente extremely difficult for American Presidents. The easing of tensions takes time and the slow progress, lack of immediate results, and the high profile nature of such endeavors means that these diplomatic endeavors will likely attract partisan criticism. And given a transition of power between the parties, outreach towards hostile nations are likely to be abandoned as a symbolic means of differentiating the new administration from the old.

Research from this thesis has multiple implications for foreign policy. The first is that foreign policy preferences between the Democratic and Republican Parties have diverged significantly. As seen from Republican opposition to the Clinton administration's outreach to North Korea, changing opinions on New START, and opposition to the JCPOA, the Republican Party has placed an increasingly large emphasis on a militaristic and unilateral foreign policy. Meanwhile, as seen by the three case studies, the Democratic Party has generally retained a larger emphasis on negotiation and a greater willingness to achieve détente with hostile states. In general, this means that Democratic and Republican Presidents will come into office with differing foreign policy views and are conversely less likely to continue the prior administration's policies (assuming they come from a rival party). This means that the likelihood of a new President adopting foreign policy platforms from their predecessor is significantly decreased – weakening a key plank of domestic support needed to enact a treaty. Furthermore, widening of gaps between these two parties thus opens up a possibility of foreign policy being used to rally greater voter turnout and thus places foreign policy into a core area of political competition.

This has troubling implications on many levels. First, many foreign policy issues cannot be solved within one presidential term. As seen with counterproliferation measures during the Cold War, consecutive numbers of Presidents were needed to refine United States counterproliferation policy and arms control policies.²⁹⁸ And even after the Cold War ended, consistent counterproliferation approach is still needed to minimize the risks of nuclear war and nuclear proliferation. Thus, if political polarization emphasizes the need for quick solutions, it is likely that the range of foreign policy problems that can be solved will be significantly decreased.

²⁹⁸ Refer to Changing Republican Views of New START

Another implication from this thesis' research is that the means for a President to conduct bilateral and multilateral diplomacy has been substantively decreased. Both research on Republican views of the JCPOA, New START, and the Clinton's diplomatic engagement showed that America's polarized landscape has generally hindered muscular foreign policies less than they have hindered more dovish foreign policies. In both the near expiration of New START and the failure of the Agreed Framework, the opposition party in both cases was able to challenge reasons why such diplomatic agreements were not favorable to the United States. Nevertheless, such arguments did not challenge a converse discussion on whether the failure of such agreements to the United States. Instead, both arguments for the expiration of New START or the dismantlement of the Agreed Framework generally pointed to increased military spending on various missile defense systems as reason why the United States could afford to pass by on such treaties. Given these trends, it is likely that American Presidents will be unable to formulate new treaties and maintain their current ones while military spending increases will remain or increase. In the long term, this may mean that the United States ability to force other nations into negotiations may be predicated more on perceived military superiority rather than a balance of military and diplomatic power. Such an imbalance is dangerous as the slow degradation of diplomatic power means that nations will likely see American attempts at diplomacy as primarily a coercive endeavor and thus may choose to either ignore the United States or to build up their own military capabilities to offset the United States advantage.

Areas where these phenomena may be the most common may be in Iran and North Korea where both countries have faced the most politicized foreign policy process. In both countries, an opposition party's consistent messaging that a more muscular approach is needed have encouraged North Korean and Iranian leaders to further their high stakes diplomacy – conducting

provocations as a show of force to prove the high cost a larger war may hold while also seizing the diplomatic initiative. This significantly raises the cost of a war accidentally being triggered when the United States conducts a response that may accidentally tip off the other side that a large scale conflict may be triggered.

Such worries are not hypothetical. Republican worries critiques against the Obama administration's weaknesses on both Iran and North Korea were greatly internalized by the following Trump administration which rapidly increased tensions with both countries. In the case of North Korea, the DPRK's development of an ICBM capable of targeting the United States built up confidence with the North Korean government that it could negotiate with the United States in strength, while Iranian provocations with United States led to Iran firing at US military bases in Iraq.²⁹⁹ Thus in the first case, a *cassus belli* was avoided by the North Korean government unilaterally believing that its missile development had achieved sufficient deterrence capability while war in Iran was avoided due to the lack of American casualties.

The thesis has also shown that polarization has often forced Presidents to defend their foreign policy achievements as grand bargains – that being treaties that fundamentally alter the United States relations with another country despite whether such treaties are actually meant to do so. This could be seen in both the arguments of the JCPOA, New START, and the Agreed Framework wherein Republican Congressmen and Senators argued that the preceding deals were all fatally flawed due to the deals being unable to address Iranian military provocations, North Korean human rights abuses, or the possibility of an increased Chinese nuclear arsenal. This essentially forced the President to link differing bilateral issues in the same treaty. Nevertheless,

²⁹⁹ Panda 2020 and Rubin, Fassihi, Schmidt, and Yee 2020

this expectation greatly complicated the President's ability to conclude such a treaty as countries like North Korea, Russia, or Iran either sought political concessions from the United States in return or argued that such moves were outside the purview of negotiations.

As a result, the fallacy of the grand bargain placed the United States in a position where in order to quiet domestic opposition, all outstanding bilateral issues must either be solved or implicitly left with a lack of deal. However, does such a line of thinking serve American interests?

Arguably not. A common thread for these agreements is that they constrained at different levels the nuclear ambitions of rival countries, that being Russia, Iran, and North Korea. However, without such a deal there would be no incentive for each country to restrain their nuclear program. This would represent a worst possible outcome for the United States. Especially with North Korea, where the country successfully detonated its first atom bomb following the end of the Agreed Framework, the country's ambitions have switched to bargaining for a nuclear drawdown to enshrining nuclear weapons as a key part of its national defense policy. Even now, denuclearization with North Korea looks exceedingly unlikely.

Possible Solutions:

If America is trending towards polarization, then what steps can be taken to minimize its effects on foreign policy? First of all, the onus is on American politicians to do better and treat foreign policy issues that could have immediate negative effects on the American people as a serious matter. Issues like nuclear weapons still pose an immediate threat to the human species and thus American politicians should seek to argue in good faith about the merits of a policy rather than its perceived domestic political benefit.

One area where such collaboration seems possible is in Sino-American relations. Two pieces of legislation in particular, the Strategic Competition Act of 2021 and the Endless Frontier Act have sought to increase US funding towards countering Chinese influence across the world along with increasing US funding for practical sciences (which China is perceived to be gaining influence over).³⁰⁰ Nevertheless, while there seems to be convergence in policy, this does not imply a similar outlook towards China. For Republicans, views are remarkably more hawkish. A supermajority of Republican leaders and Republican voters view containing China as a core national priority.³⁰¹ Thus Republican voters tend to support policy both containing China, ensuring the US and Chinese economies are not overly intertwined, and even revoking the visas of Chinese students.³⁰²

Democratic voters have approached Sino-American relations in a different fashion. While a significant portion of Democratic voters view countering China as a primary concern, polling shows that Democrats prefer policies that combine engagement with a number of policies also popular with Republicans.³⁰³ This includes policies that sanctions Chinese officials for its atrocities in Tibet, Xinjiang, and Hong Kong, blocking Chinese technology in strategic infrastructure in the United States and abroad.³⁰⁴ Together, these shared combined policy preferences between the Democratic and Republican Parties constitute an area where limited cooperation can be achieved.

³⁰⁰ Senate Bill 1169 (Strategic Competition Act of 2021) and Senate Bill 1260 (Endless Frontier Act)

³⁰¹ Kafura, Smeltz, Busby, Kertzer, Monten, and Tama 2021

³⁰² Kafura, Smeltz, Busby, Kertzer, Monten, and Tama 2021, 11.

³⁰³ Kafura, Smeltz, Busby, Kertzer, Monten, and Tama 2021, 10.

³⁰⁴ Kafura, Smeltz, Busby, Kertzer, Monten, and Tama 2021, 11.

Besides cooperation on Sino-American ties, there are other ways to achieve greater bipartisanship in American foreign policy. One way that such sentiments could be operationalized could be through framing diplomacy through the lenses of damage reduction rather than seeing diplomacy as a Manichean effort.

To do this, American leaders should avoid using the language of a grand bargain, especially when deals negotiated with other nations are essentially agreements meant to cut down on trigger hair diplomacy. This may be a more effective approach for a couple of reasons. Americans may have negative views of rogue nations such as Iran and North Korea, but the appetite for conducting war on such powers remains even lower. Thus, framing future diplomatic efforts with American foes as a way of minimizing accidental war sidesteps the fallacy that such efforts are meant to achieve a perfect solution to the problems between such countries and refocuses the aim on preventing a worse outcome from occurring. Furthermore, framing such moves in such a way forces the opposition party to either acquiesce towards a deal or be viewed as the spoiler for such a deal occurring. As previously stated, while grand deals are viewed with suspicion, appetite for a large war remains lower. Thus, by promoting such a deal in this dichotomy would force the opposition to pay a political cost if it chose to jettison such a deal by allowing the opposition party to be framed as needlessly uncooperative or engaged in irresponsible diplomacy. This would likely encourage voters friendly towards the President or détente in general to more forcefully advocate for them.

Finally, American political leaders could minimize the effects of political polarization on foreign relations by attacking political polarization itself. As this thesis has shown, the current political climate remains unfavorable to moderate politicians as both the American voter and the average

politician increasingly sees the political process through party conflict. Nevertheless, moderate politicians, or at least politicians willing to side with the opposition party are necessary for a consistent foreign policy. Therefore, what ways could moderate politicians be empowered?

One way would be to appoint committee heads and deputies based upon a combination of the politician's expertise on the subject matter, ideological views, and ability to craft oversight rather than the committee head or deputy's party affiliation itself. In the current system, all committee heads and deputies come from the majority party. This has created a system wherein the opposition party loses all influence in each committee and is thus encouraged to use the withholding of support as their greatest tool. Thus, if committee appointments are given based upon factors other than a politician's party affiliation, this may in the long term dent the desire for politicians in both party to encourage voter discontent and also encourage a more cordial attitude when Congress is in session.

Nevertheless, such an approach has its faults. The thesis has shown that polarization has meant that Republican and Democratic views have shifted away from each other. Thus, appointing a committee head may mean that the committee head's ideological view may be different than those of the majority. And amongst the Republican party where ideological polarization is more extreme, there are few moderate Senate members left – with even their views still having a conservative bent. Thus, this approach while noble may have limited utility in reality.

A second solution would be for a return to the sun and moon party system - having one party win enough votes to hold a majority in Congress for a long period of time. While such a process could take many election cycles, this is arguably more realistic than the former proposal to cut down on political polarization. After all, this system was present multiple times in American

history and allowed for the majority party to better negotiate with an opposition party because the opposition party's views were unable to stop any single vote. In this system, either the Democratic or Republican Party would work to expand their party's share over Congressional seats as large as possible. From this position of strength, the majority party would be able to pass legislation relatively easily. The minority party on the other hand would have an incentive to cooperate with the majority party to ensure that their suggestions could be integrated into future laws.

While this system was certainly the norm in American politics though, this does not look feasible in the near future. For one, states have become increasingly sorted thus guaranteeing any party a set number of seats in the Senate. This was not as strong in previous party systems in which polarization was not present.³⁰⁵ Furthermore, the rise of partisan media further makes this suggestion difficult. In the past, American media was relatively more consolidated which meant that Americans generally got their news source from the same sources.³⁰⁶ This meant that Americans generally agreed on the same political events occurring. However, partisan media has meant that a certain segment of the American population will likely be predisposed to one side or the other. As a result, barring a significant event, it will be difficult for one party to slowly accumulate control over both houses of Congress and the Presidency.

³⁰⁵ Black and Black 2007 and Shafer 2016

³⁰⁶ Grossman and Hopkins 2016

Closing:

This thesis has demonstrated that political polarization has affected American foreign policy by causing a solidification of foreign policy views amongst partisan lines. This has made legislative executive agreements become confirmed amongst partisan lines and encouraging the opposition party to oppose such agreements. Furthermore, polarization has significantly eroded bipartisan support for treaties in once uncontroversial areas such as counter proliferation. This means that treaties are likely to become less common and that existing treaties may be reevaluated as a political affair. Finally, this thesis has shown that polarization has greatly eroded the President's unilateral ability to pursue détente.

The following findings likely point to a future where the U.S. will be unable to work towards a unified foreign policy goal across presidential administrations and that American polarization may mean that in the long term, U.S. diplomatic power may become weakened.

Despite these negative consequences though, polarization's influence in American foreign policy can be mitigated by reframing foreign policy as a matter of harm reduction and reducing the likelihood of accidental war. Furthermore, the system of Congressional committee seats could be revamped to become less partisan. Finally, a last solution would be for a return to America's previous style of politics wherein one political party is dominant, thus reducing the ability of another party to change the country's foreign policy. Thus, with one or a combination of these measures, American diplomacy can be better enabled throughout the world.

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Curriculum Vitae:

Daniel Bloethe is a student in John Hopkins Academic Advanced Programs and is currently working on receiving his Master's in Government. Born in Arlington Heights to a Korean American mother and an American father, Dan has taken a strong interest in American foreign policy in the Korean peninsula and Asia at large. He hopes that his studies on polarization and foreign policy help American elected officials better understand how polarization constrains American foreign policy and work better to create bipartisan foreign policy that better serves the interests of the American public and its allies.

Concurrent to his studies, Dan is serving as an active-duty civil affairs officer in the US military. In his free time, he enjoys exercising, playing tennis, and walking with his dog, Lilo.